

.....  
(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Immigration and Nationality Act to enhance American competitiveness through the encouragement of high-skilled immigration, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. ISSA introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Immigration and Nationality Act to enhance American competitiveness through the encouragement of high-skilled immigration, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Supplying Knowledge-  
5       based Immigrants and Lifting Levels of STEM Visas Act”  
6       or the “SKILLS Visa Act”.

7       **SEC. 2. TABLE OF CONTENTS.**

8       The table of contents for this Act is as follows:

- Sec. 1. Short title.  
Sec. 2. Table of contents.

#### TITLE I—IMMIGRANT VISA REFORMS

- Sec. 101. Immigrant visas for certain advanced STEM graduates.  
Sec. 102. Immigrant visas for entrepreneurs.  
Sec. 103. Additional employment-based immigrant visas.  
Sec. 104. Employment creation immigrant visas.  
Sec. 105. Family-sponsored immigrant visas.  
Sec. 106. Elimination of diversity immigrant program.  
Sec. 107. Numerical limitation to any single foreign state.  
Sec. 108. Physicians.  
Sec. 109. Permanent priority dates.

#### TITLE II—NONIMMIGRANT VISA REFORMS

- Sec. 201. H-1B visas.  
Sec. 202. L visas.  
Sec. 203. O visas.  
Sec. 204. Mexican and Canadian professionals.  
Sec. 205. Students.  
Sec. 206. Extension of employment eligibility while visa extension petition pending.  
Sec. 207. Fraud detection and prevention fee.  
Sec. 208. Technical correction.

#### TITLE III—REFORMS AFFECTING BOTH IMMIGRANT AND NONIMMIGRANT VISAS

##### Subtitle A—STEM Education Funding

- Sec. 301. Funding for STEM education and training.  
Sec. 302. Promoting American Ingenuity Account.  
Sec. 303. STEM education grant application process.  
Sec. 304. Authorized activities.  
Sec. 305. National evaluations.  
Sec. 306. Rule of construction.

##### Subtitle B—Other Reforms

- Sec. 311. Prevailing wages.  
Sec. 312. Streamlining petitions for established employers.

- 1           **TITLE I—IMMIGRANT VISA**  
2                           **REFORMS**  
3   **SEC. 101. IMMIGRANT VISAS FOR CERTAIN ADVANCED**  
4                           **STEM GRADUATES.**  
5           (a) WORLDWIDE LEVEL OF IMMIGRATION.—Section  
6   201(d)(1)(A) of the Immigration and Nationality Act (8

1 U.S.C. 1151(d)(1)(A)) is amended by striking “140,000,”  
2 and inserting “140,000 in fiscal years through 2013 and  
3 195,000 beginning in fiscal year 2014, reduced for any  
4 fiscal year beginning in fiscal year 2014 by the number  
5 by which the number of visas under section 201(e) would  
6 have been reduced in that year pursuant to section 203(d)  
7 of the Nicaraguan Adjustment and Central American Re-  
8 lief Act (8 U.S.C. 1151 note) if section 201(e) had not  
9 been repealed by section 106 of the SKILLS Visa Act,”.

10 (b) PREFERENCE ALLOCATION FOR EMPLOYMENT-  
11 BASED IMMIGRANTS.—Section 203(b) of such Act (8  
12 U.S.C. 1153(b)) is amended—

13 (1) by redesignating paragraph (6) as para-  
14 graph (9); and

15 (2) by inserting after paragraph (5) the fol-  
16 lowing:

17 “(6) ALIENS HOLDING DOCTORATE DEGREES  
18 FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER  
19 EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEER-  
20 ING, OR MATHEMATICS.—

21 “(A) IN GENERAL.—Visas shall be made  
22 available, in a number not to exceed 55,000, re-  
23 duced for any fiscal year by the number by  
24 which the number of visas under section 201(e)  
25 would have been reduced in that year pursuant

1 to section 203(d) of the Nicaraguan Adjust-  
2 ment and Central American Relief Act (8  
3 U.S.C. 1151 note) if section 201(e) had not  
4 been repealed by section 106 of the SKILLS  
5 Visa Act, plus any visas not required for the  
6 classes specified in paragraph (1), to qualified  
7 immigrants who—

8 “(i) hold a doctorate degree in a field  
9 of science, technology, engineering, or  
10 mathematics from a United States doctoral  
11 institution of higher education, or have  
12 successfully completed a dental, medical, or  
13 veterinary residency program (within the  
14 summary group of residency programs in  
15 the Department of Education’s Classifica-  
16 tion of Instructional Programs taxonomy),  
17 have received a medical degree (MD) in a  
18 program that prepares individuals for the  
19 independent professional practice of medi-  
20 cine (series 51.12 in the Department of  
21 Education’s Classification of Instructional  
22 Programs taxonomy), have received a den-  
23 tistry degree (DDS, DMD) in a program  
24 that prepares individuals for the inde-  
25 pendent professional practice of dentistry/

1 dental medicine (series 51.04 in the De-  
2 partment of Education's Classification of  
3 Instructional Programs taxonomy), have  
4 received a veterinary degree (DVM) in a  
5 program that prepares individuals for the  
6 independent professional practice of veteri-  
7 nary medicine (series 51.24 in the Depart-  
8 ment of Education's Classification of In-  
9 structional Programs taxonomy), or have  
10 received an osteopathic medicine/osteop-  
11 athy degree (DO) in a program that pre-  
12 pares individuals for the independent pro-  
13 fessional practice of osteopathic medicine  
14 (series 51.19 in the Department of Edu-  
15 cation's Classification of Instructional Pro-  
16 grams taxonomy) from an institution that  
17 is described in subclauses (I), (III), and  
18 (IV) of subparagraph (B)(iii); and

19 “(ii) have taken all courses required  
20 for such degrees, including all courses  
21 taken by correspondence (including courses  
22 offered by telecommunications) or by dis-  
23 tance education, while physically present in  
24 the United States.

1 “(B) DEFINITIONS.—For purposes of this  
2 paragraph, paragraph (7), and sections  
3 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

4 “(i) The term ‘distance education’ has  
5 the meaning given such term in section  
6 103 of the Higher Education Act of 1965  
7 (20 U.S.C. 1003).

8 “(ii) The term ‘field of science, tech-  
9 nology, engineering, or mathematics’  
10 means a field included in the Department  
11 of Education’s Classification of Instruc-  
12 tional Programs taxonomy within the sum-  
13 mary groups of computer and information  
14 sciences and support services, engineering,  
15 biological and biomedical sciences, mathe-  
16 matics and statistics, physical sciences,  
17 and the series geography and cartography  
18 (series 45.07), advanced/graduate dentistry  
19 and oral sciences (series 51.05) and nurs-  
20 ing (series 51.16).

21 “(iii) The term ‘United States doc-  
22 toral institution of higher education’ means  
23 an institution that—

24 “(I) is described in section  
25 101(a) of the Higher Education Act

1 of 1965 (20 U.S.C. 1001(a)) or is a  
2 proprietary institution of higher edu-  
3 cation (as defined in section 102(b) of  
4 such Act (20 U.S.C. 1002(b)));

5 “(II) was classified by the Car-  
6 negie Foundation for the Advance-  
7 ment of Teaching on January 1,  
8 2013, as a doctorate-granting univer-  
9 sity with a very high or high level of  
10 research activity or classified by the  
11 National Science Foundation after the  
12 date of enactment of this paragraph,  
13 pursuant to an application by the in-  
14 stitution, as having equivalent re-  
15 search activity to those institutions  
16 that had been classified by the Car-  
17 negie Foundation as being doctorate-  
18 granting universities with a very high  
19 or high level of research activity;

20 “(III) has been in existence for  
21 at least 10 years; and

22 “(IV) is accredited by an accred-  
23 iting body that is itself accredited ei-  
24 ther by the Department of Education

1 or by the Council for Higher Edu-  
2 cation Accreditation.

3 “(C) LABOR CERTIFICATION REQUIRED.—

4 “(i) IN GENERAL.—Subject to clause  
5 (ii), the Secretary of Homeland Security  
6 may not approve a petition filed for classi-  
7 fication of an alien under subparagraph  
8 (A) unless the Secretary of Homeland Se-  
9 curity is in receipt of a determination  
10 made by the Secretary of Labor pursuant  
11 to the provisions of section 212(a)(5)(A),  
12 except that the Secretary of Homeland Se-  
13 curity may, when the Secretary deems it to  
14 be in the national interest, waive this re-  
15 quirement.

16 “(ii) REQUIREMENT DEEMED SATIS-  
17 FIED.—The requirement of clause (i) shall  
18 be deemed satisfied with respect to an em-  
19 ployer and an alien in a case in which a  
20 certification made under section  
21 212(a)(5)(A)(i) has already been obtained  
22 with respect to the alien by that employer.

23 “(7) ALIENS HOLDING MASTER’S DEGREES  
24 FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER



1       EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEER-  
2       ING, OR MATHEMATICS.—

3               “(A) IN GENERAL.—Any visas not required  
4       for the classes specified in paragraphs (1) and  
5       (6) shall be made available to the classes of  
6       aliens who—

7               “(i) hold a master’s degree in a field  
8       of science, technology, engineering, or  
9       mathematics from a United States doctoral  
10      institution of higher education that was ei-  
11      ther part of a master’s program that re-  
12      quired at least 2 years of enrollment or  
13      part of a 5-year combined baccalaureate-  
14      master’s degree program in such field;

15              “(ii) have taken all master’s degree  
16      courses in a field of science, technology,  
17      engineering, or mathematics, including all  
18      courses taken by correspondence (including  
19      courses offered by telecommunications) or  
20      by distance education, while physically  
21      present in the United States; and

22              “(iii) hold a baccalaureate degree in a  
23      field of science, technology, engineering, or  
24      mathematics.

25              “(B) LABOR CERTIFICATION REQUIRED.—

1                   “(i) IN GENERAL.—Subject to clause  
2                   (ii), the Secretary of Homeland Security  
3                   may not approve a petition filed for classi-  
4                   fication of an alien under subparagraph  
5                   (A) unless the Secretary of Homeland Se-  
6                   curity is in receipt of a determination  
7                   made by the Secretary of Labor pursuant  
8                   to the provisions of section 212(a)(5)(A),  
9                   except that the Secretary of Homeland Se-  
10                  curity may, when the Secretary deems it to  
11                  be in the national interest, waive this re-  
12                  quirement.

13                  “(ii) REQUIREMENT DEEMED SATIS-  
14                  FIED.—The requirement of clause (i) shall  
15                  be deemed satisfied with respect to an em-  
16                  ployer and an alien in a case in which a  
17                  certification made under section  
18                  212(a)(5)(A)(i) has already been obtained  
19                  with respect to the alien by that employer.

20                  “(C) DEFINITIONS.—The definitions in  
21                  paragraph (6)(B) shall apply for purposes of  
22                  this paragraph.”.

23                  (c) ALIENS WHO ARE MEMBERS OF THE PROFES-  
24                  SIONS HOLDING ADVANCD DEGREES OR ALIENS OF EX-  
25                  CEPTIONAL ABILITY.—Section 203(b)(2)(A) of such Act

1 (8 U.S.C. 1153(b)(2)(A)) is amended by striking “para-  
2 graph (1),” and inserting “paragraphs (1), (6), and (7),”.

3 (d) SKILLED WORKERS, PROFESSIONALS, AND  
4 OTHER WORKERS.—Section 203(b)(3)(A) of such Act (8  
5 U.S.C. 1153(b)(3)(A)) is amended by striking “para-  
6 graphs (1) and (2),” and inserting “paragraphs (1), (2),  
7 (6), and (7),”.

8 (e) PROCEDURE FOR GRANTING IMMIGRANT STA-  
9 TUS.—Section 204(a)(1)(F) of such Act (8 U.S.C.  
10 1154(a)(1)(F)) is amended—

11 (1) by striking “(F)” and inserting “(F)(i)”;

12 (2) by striking “or 203(b)(3)” and inserting  
13 “203(b)(3), 203(b)(6), or 203(b)(7)”;

14 (3) by striking “Attorney General” and insert-  
15 ing “Secretary of Homeland Security”; and

16 (4) by adding at the end the following:

17 “(ii) The following processing standards shall apply  
18 with respect to petitions under clause (i) relating to alien  
19 beneficiaries qualifying under paragraph (6) or (7) of sec-  
20 tion 203(b):

21 “(I) The Secretary of Homeland Security shall  
22 adjudicate such petitions not later than 60 days  
23 after the date on which the petition is filed. In the  
24 event that additional information or documentation  
25 is requested by the Secretary during such 60-day pe-

1        riod, the Secretary shall adjudicate the petition not  
2        later than 30 days after the date on which such in-  
3        formation or documentation is received.

4            “(II) The petitioner shall be notified in writing  
5        within 30 days of the date of filing if the petition  
6        does not meet the standards for approval. If the pe-  
7        tition does not meet such standards, the notice shall  
8        include the reasons therefore and the Secretary shall  
9        provide an opportunity for the prompt resubmission  
10       of a modified petition.”.

11       (f) LABOR CERTIFICATION AND QUALIFICATION FOR  
12       CERTAIN IMMIGRANTS.—Section 212(a)(5) of such Act (8  
13       U.S.C. 1182(a)(5)) is amended—

14            (1) in subparagraph (A)—

15                    (A) in clause (ii)—

16                            (i) in subclause (I), by striking “, or”  
17                            at the end and inserting a semicolon;

18                            (ii) in subclause (II), by striking the  
19                            period at the end and inserting “; or”; and

20                            (iii) by adding at the end the fol-  
21                            lowing:

22                            “(III) holds a doctorate degree in  
23                            a field of science, technology, engi-  
24                            neering, or mathematics from a  
25                            United States doctoral institution of

1 higher education (as defined in section  
2 203(b)(6)(B)(iii)).”;

3 (B) by redesignating clauses (ii) through  
4 (iv) as clauses (iii) through (v), respectively;

5 (C) by inserting after clause (i) the fol-  
6 lowing:

7 “(ii) JOB ORDER.—

8 “(I) IN GENERAL.—An employer  
9 who files an application under clause  
10 (i) shall submit a job order for the  
11 labor the alien seeks to perform to the  
12 State workforce agency in the State in  
13 which the alien seeks to perform the  
14 labor. The State workforce agency  
15 shall post the job order on its official  
16 agency website for a minimum of 30  
17 days and not later than 3 days after  
18 receipt using the employment statis-  
19 tics system authorized under section  
20 15 of the Wagner-Peyser Act (29  
21 U.S.C. 49 et seq.).

22 “(II) LINKS.—The Secretary of  
23 Labor shall include links to the offi-  
24 cial websites of all State workforce  
25 agencies on a single webpage of the

1 official website of the Department of  
2 Labor.”; and

3 (D) by adding at the end the following:

4 “(vi) PROCESSING STANDARDS FOR  
5 ALIEN BENEFICIARIES QUALIFYING UNDER  
6 PARAGRAPHS (6) AND (7) OF SECTION  
7 203(B).—The following processing stand-  
8 ards shall apply with respect to applica-  
9 tions under clause (i) relating to alien  
10 beneficiaries qualifying under paragraph  
11 (6) or (7) of section 203(b):

12 “(I) The Secretary of Labor shall  
13 adjudicate such applications not later  
14 than 180 days after the date on which  
15 the application is filed. In the event  
16 that additional information or docu-  
17 mentation is requested by the Sec-  
18 retary during such 180-day period,  
19 the Secretary shall adjudicate the ap-  
20 plication not later than 60 days after  
21 the date on which such information or  
22 documentation is received.

23 “(II) The applicant shall be noti-  
24 fied in writing within 60 days of the  
25 date of filing if the application does

1 not meet the standards for approval.  
2 If the application does not meet such  
3 standards, the notice shall include the  
4 reasons therefore and the Secretary  
5 shall provide an opportunity for the  
6 prompt resubmission of a modified ap-  
7 plication.”; and

8 (2) in subparagraph (D), by striking “(2) or  
9 (3)” and inserting “(2), (3), (6), or (7)”.

10 (g) GAO STUDY.—Not later than June 30, 2019, the  
11 Comptroller General of the United States shall provide to  
12 the Congress the results of a study on the use by the Na-  
13 tional Science Foundation of the classification authority  
14 provided under section 203(b)(6)(B)(iii)(II) of the Immi-  
15 gration and Nationality Act (8 U.S.C.  
16 1153(b)(6)(B)(iii)(II)), as added by this section.

17 (h) PUBLIC INFORMATION.—The Secretary of Home-  
18 land Security shall make available to the public on the  
19 official website of the Department of Homeland Security,  
20 and shall update not less than monthly, the following in-  
21 formation (which shall be organized according to month  
22 and fiscal year) with respect to aliens granted status  
23 under paragraph (6) or (7) of section 203(b) of the Immi-  
24 gration and Nationality Act (8 U.S.C. 1153(b)), as added  
25 by this section:

1           (1) The name, city, and State of each employer  
2           who petitioned pursuant to either of such para-  
3           graphs on behalf of one or more aliens who were  
4           granted status in the month and fiscal year to date.

5           (2) The number of aliens granted status under  
6           either of such paragraphs in the month and fiscal  
7           year to date based upon a petition filed by such em-  
8           ployer.

9           (3) The occupations for which such alien or  
10          aliens were sought by such employer and the job ti-  
11          tles listed by such employer on the petition.

12          (i) **EFFECTIVE DATE.**—The amendments made by  
13          this section shall take effect on October 1, 2014, and shall  
14          apply with respect to fiscal years beginning on or after  
15          such date. Nothing in the preceding sentence shall be con-  
16          strued to prohibit the Secretary of Homeland Security  
17          from accepting before such date petitions under section  
18          204(a)(1)(F) of the Immigration and Nationality Act (8  
19          U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries quali-  
20          fying under paragraph (6) or (7) of section 203(b) of such  
21          Act (8 U.S.C. 1153(b)) (as added by this section).

22          **SEC. 102. IMMIGRANT VISAS FOR ENTREPRENEURS.**

23          (a) **PREFERENCE ALLOCATION FOR EMPLOYMENT**  
24          **BASED IMMIGRANTS.**—Section 203(b) of the Immigration  
25          and Nationality Act (8 U.S.C. 1153(b)) is amended by in-



1   serting after paragraph (7) (as added by section 101 of  
2   this Act) the following:

3           “(8) ALIEN ENTREPRENEURS.—

4               “(A) IN GENERAL.—Visas shall be made  
5           available, in a number not to exceed 10,000,  
6           plus any visas not required for the classes speci-  
7           fied in paragraphs (1), (2), and (3), to the fol-  
8           lowing classes of aliens:

9               “(i)     VENTURE     CAPITAL-BACKED  
10           START-UP ENTREPRENEURS.—

11               “(I) An alien is described in this  
12           clause if the alien intends to engage in  
13           a new commercial enterprise (includ-  
14           ing a limited partnership) in the  
15           United States—

16               “(aa) with respect to which  
17           the alien has completed an in-  
18           vestment agreement requiring an  
19           investment in the enterprise in  
20           an amount not less than  
21           \$500,000, subject to subclause  
22           (III), on the part of—

23               “(AA) a qualified ven-  
24           ture capital operating com-  
25           pany; or

1 “(BB) 1 or more quali-  
2 fied angel investors (of  
3 which at least 1 such inves-  
4 tor is providing \$100,000,  
5 subject to subclause (III), of  
6 the required investment);  
7 and

8 “(bb) which will benefit the  
9 United States economy and, dur-  
10 ing the 2-year period beginning  
11 on the date on which the visa is  
12 issued under this paragraph,  
13 will—

14 “(AA) create full-time  
15 employment for at least 5  
16 United States workers with-  
17 in the enterprise; and

18 “(BB) raise not less  
19 than an additional  
20 \$1,000,000 in capital invest-  
21 ment, subject to subclause  
22 (III), or generate not less  
23 than \$1,000,000 in revenue,  
24 subject to subclause (III).

1 “(II) DEFINITIONS.—For pur-  
2 poses of this clause:

3 “(aa) INVESTMENT.—The  
4 term ‘investment’ does not in-  
5 clude any assets acquired, di-  
6 rectly or indirectly, by unlawful  
7 means.

8 “(bb) QUALIFIED ANGEL IN-  
9 VESTOR.—The term ‘qualified  
10 angel investor’ means an indi-  
11 vidual who—

12 “(AA) is an accredited  
13 investor (as defined in sec-  
14 tion 230.501(a) of title 17,  
15 Code of Federal Regulations  
16 (as in effect on April 1,  
17 2010));

18 “(BB) is a United  
19 States citizen or an alien  
20 lawfully admitted to the  
21 United States for permanent  
22 residence; and

23 “(CC) has made at  
24 least 2 equity investments of  
25 not less than \$50,000 in

1 each of the 3 years before  
2 the date of a petition by the  
3 qualified immigrant for clas-  
4 sification under this para-  
5 graph.

6 “(cc) QUALIFIED VENTURE  
7 CAPITAL OPERATING COMPANY.—  
8 The term ‘qualified venture cap-  
9 ital operating company’ means an  
10 entity that—

11 “(AA) is classified as a  
12 ‘venture capital operating  
13 company’ under section  
14 2510.3-101(d) of title 29,  
15 Code of Federal Regulations  
16 (as in effect on July 1,  
17 2009);

18 “(BB) is based in the  
19 United States;

20 “(CC) is owned and  
21 controlled by United States  
22 citizens or aliens lawfully  
23 admitted to the United  
24 States for permanent resi-  
25 dence;

1 “(DD) has capital com-  
2 mitments of not less than  
3 \$10,000,000;

4 “(EE) has been oper-  
5 ating for a period of at least  
6 2 years before the date of  
7 the petition for classification  
8 under this paragraph; and

9 “(FF) has made at  
10 least 2 investments of not  
11 less than \$500,000 in each  
12 of the 2 years before the  
13 date of the petition for clas-  
14 sification under this para-  
15 graph.

16 “(III) INFLATION ADJUST-  
17 MENT.—Effective for the first fiscal  
18 year that begins more than 6 months  
19 after the date of the enactment of this  
20 clause, and for each fiscal year there-  
21 after, the amounts described in sub-  
22 clauses (I) and (II) shall be increased  
23 by the percentage (if any) by which  
24 the Consumer Price Index for the  
25 month of June preceding the date on

1           which such increase takes effect ex-  
2           ceeds the Consumer Price Index for  
3           the same month of the preceding cal-  
4           endar year. An increase described in  
5           the preceding sentence shall apply to  
6           aliens filing petitions under section  
7           204(a)(1)(H) on or after the date on  
8           which the increase takes effect. For  
9           purposes of this clause, the term  
10          ‘Consumer Price Index’ means the  
11          Consumer Price Index for all urban  
12          consumers published by the Depart-  
13          ment of Labor.

14          “(ii) TREATY INVESTORS.—Immi-  
15          grants who have been issued a visa or oth-  
16          erwise provided nonimmigrant status under  
17          section 101(a)(15)(E)(ii) (not including  
18          alien employees of the treaty investor) who  
19          have maintained that status for a min-  
20          imum of 10 years and have benefitted the  
21          United States economy and created full-  
22          time employment for not fewer than 5  
23          United States workers for a minimum of  
24          10 years.

1                   “(B) DEFINITIONS.—For purposes of this  
2                   paragraph:

3                   “(i) The term ‘full-time employment’  
4                   has the meaning given such term in para-  
5                   graph (5).

6                   “(ii) The term ‘United States worker’  
7                   means an employee (other than the immi-  
8                   grant or the immigrant’s spouse, sons, or  
9                   daughters) who—

10                   “(I) is a citizen or national of the  
11                   United States; or

12                   “(II) is an alien who is lawfully  
13                   admitted for permanent residence, is  
14                   admitted as a refugee under section  
15                   207, is granted asylum under section  
16                   208, or is an immigrant otherwise au-  
17                   thorized to be employed in the United  
18                   States.”.

19                   (b) PROCEDURES FOR GRANTING IMMIGRANT STA-  
20                   TUS.—Section 204(a)(1)(H) of the Immigration and Na-  
21                   tionality Act (8 U.S.C. 1154(a)(1)(H)) is amended—

22                   (1) by striking “section 203(b)(5)” and insert-  
23                   ing “paragraph (5) or (8) of section 203(b)”; and

24                   (2) by striking “Attorney General” and insert-  
25                   ing “Secretary of Homeland Security”.

1 (c) CONDITIONAL PERMANENT RESIDENT STATUS.—

2 (1) IN GENERAL.—

3 (A) CONFORMING AMENDMENTS.—Section  
4 216A of the Immigration and Nationality Act  
5 (8 U.S.C. 1186b) is amended—

6 (i) in the section heading, by striking  
7 “ENTREPRENEURS,” and inserting “INVES-  
8 TORS,”.

9 (ii) by striking “Attorney General”  
10 each place such term appears and inserting  
11 “Secretary of Homeland Security”;

12 (iii) by striking “entrepreneur” each  
13 place such term appears and inserting “in-  
14 vestor”; and

15 (iv) In subsection (c)(3)(A), by strik-  
16 ing “the such filing” and inserting “such  
17 filing”.

18 (B) TABLE OF CONTENTS.—The item re-  
19 lating to section 216A in the table of contents  
20 of the Immigration and Nationality Act (8  
21 U.S.C. 1101 et seq.) is amended to read as fol-  
22 lows:

“Sec. 216A. Conditional permanent resident status for certain alien investors,  
spouses, and children.”.



1           (2) CONDITIONAL PERMANENT RESIDENT STA-  
2           TUS    FOR   CERTAIN   ALIEN   ENTREPRENEURS,  
3           SPOUSES, AND CHILDREN.—

4           (A) IN GENERAL.—Chapter 2 of title II of  
5           the Immigration and Nationality Act (8 U.S.C.  
6           1181 et seq.) is amended by inserting after sec-  
7           tion 216A the following:

8   **“SEC. 216B. CONDITIONAL PERMANENT RESIDENT STATUS**  
9           **FOR   CERTAIN   ALIEN   ENTREPRENEURS,**  
10          **SPOUSES, AND CHILDREN.**

11       “(a) IN GENERAL.—

12           “(1) CONDITIONAL BASIS FOR STATUS.—Not-  
13       withstanding any other provision of this Act, an  
14       alien entrepreneur (as defined in subsection (f)(1) of  
15       this section), alien spouse, and alien child (as de-  
16       fined in subsection (f)(2) of this section) shall be  
17       considered, at the time of obtaining the status of an  
18       alien lawfully admitted for permanent residence, to  
19       have obtained such status on a conditional basis sub-  
20       ject to the provisions of this section.

21       “(2) NOTICE OF REQUIREMENTS.—

22           “(A) AT TIME OF OBTAINING PERMANENT  
23       RESIDENCE.—At the time an alien entre-  
24       preneur, alien spouse, or alien child obtains per-  
25       manent resident status on a conditional basis

1 under paragraph (1), the Secretary of Home-  
2 land Security shall provide for notice to such an  
3 entrepreneur, spouse, or child respecting the  
4 provisions of this section and the requirements  
5 of subsection (c)(1) of this section to have the  
6 conditional basis of such status removed.

7 “(B) AT TIME OF REQUIRED PETITION.—

8 In addition, the Secretary of Homeland Secu-  
9 rity shall attempt to provide notice to such an  
10 entrepreneur, spouse, or child, at or about the  
11 beginning of the 90-day period described in  
12 subsection (d)(2)(A) of this section, of the re-  
13 quirements of subsection (c)(1) of this section.

14 “(C) EFFECT OF FAILURE TO PROVIDE  
15 NOTICE.—The failure of the Secretary of  
16 Homeland Security to provide a notice under  
17 this paragraph shall not affect the enforcement  
18 of the provisions of this section with respect to  
19 such an entrepreneur, spouse, or child.

20 “(b) TERMINATION OF STATUS IF FINDING THAT  
21 QUALIFYING ENTREPRENEURSHIP IMPROPER.—

22 “(1) IN GENERAL.—In the case of an alien en-  
23 trepreneur with permanent resident status on a con-  
24 ditional basis under subsection (a) of this section, if  
25 the Secretary of Homeland Security determines, be-

1       fore the second anniversary of the alien's obtaining  
2       the status of lawful admission for permanent resi-  
3       dence, that—

4               “(A) the required investment in the com-  
5       mercial       enterprise       under       section  
6       203(b)(8)(A)(i)(I) was intended solely as a  
7       means of evading the immigration laws of the  
8       United States;

9               “(B)(i) any requisite capital to be invested  
10       under section 203(b)(8)(A)(i)(I) had not been  
11       invested, or was not actively in the process of  
12       being invested; or

13               “(ii) the alien was not sustaining the ac-  
14       tions described in clause (i) throughout the pe-  
15       riod of the alien's residence in the United  
16       States; or

17               “(C) the alien was otherwise not con-  
18       forming to the requirements of section  
19       203(b)(8)(A)(i);

20       then the Secretary of Homeland Security shall so  
21       notify the alien involved and, subject to paragraph  
22       (2), shall terminate the permanent resident status of  
23       the alien (and the alien spouse and alien child) in-  
24       volved as of the date of the determination.

1           “(2) HEARING IN REMOVAL PROCEEDING.—Any  
2       alien whose permanent resident status is terminated  
3       under paragraph (1) may request a review of such  
4       determination in a proceeding to remove the alien.  
5       In such proceeding, the burden of proof shall be on  
6       the Secretary of Homeland Security to establish, by  
7       a preponderance of the evidence, that a condition de-  
8       scribed in paragraph (1) is met.

9           “(c) REQUIREMENTS OF TIMELY PETITION AND  
10      INTERVIEW FOR REMOVAL OF CONDITION.—

11           “(1) IN GENERAL.—In order for the conditional  
12      basis established under subsection (a) of this section  
13      for an alien entrepreneur, alien spouse, or alien child  
14      to be removed—

15           “(A) the alien entrepreneur must submit  
16      to the Secretary of Homeland Security, during  
17      the period described in subsection (d)(2), a peti-  
18      tion which requests the removal of such condi-  
19      tional basis and which states, under penalty of  
20      perjury, the facts and information described in  
21      subsection (d)(1); and

22           “(B) in accordance with subsection (d)(3),  
23      the alien entrepreneur must appear for a per-  
24      sonal interview before an officer or employee of  
25      the Department of Homeland Security respect-

1 ing the facts and information described in sub-  
2 section (d)(1).

3 “(2) TERMINATION OF PERMANENT RESIDENT  
4 STATUS FOR FAILURE TO FILE PETITION OR HAVE  
5 PERSONAL INTERVIEW.—

6 “(A) IN GENERAL.—In the case of an alien  
7 with permanent resident status on a conditional  
8 basis under subsection (a) of this section, if—

9 “(i) no petition is filed with respect to  
10 the alien in accordance with the provisions  
11 of paragraph (1)(A); or

12 “(ii) unless there is good cause shown,  
13 the alien entrepreneur fails to appear at  
14 the interview described in paragraph  
15 (1)(B) (if required under subsection (d)(3)  
16 of this section), the Secretary of Homeland  
17 Security shall terminate the permanent  
18 resident status of the alien (and the alien’s  
19 spouse and children if it was obtained on  
20 a conditional basis under this section or  
21 section 216A) as of the second anniversary  
22 of the alien’s lawful admission for perma-  
23 nent residence.

24 “(B) HEARING IN REMOVAL PRO-  
25 CEEDING.—In any removal proceeding with re-

1           spect to an alien whose permanent resident sta-  
2           tus is terminated under subparagraph (A), the  
3           burden of proof shall be on the alien to estab-  
4           lish compliance with the conditions of subpara-  
5           graphs (A) and (B) of paragraph (1).

6           “(3) DETERMINATION AFTER PETITION AND  
7           INTERVIEW.—

8                   “(A) IN GENERAL.—If—

9                           “(i) a petition is filed in accordance  
10                          with the provisions of paragraph (1)(A);  
11                          and

12                           “(ii) the alien entrepreneur appears at  
13                          any interview described in paragraph  
14                          (1)(B);

15           the Secretary of Homeland Security shall make  
16           a determination, within 90 days of the date of  
17           such filing or interview (whichever is later), as  
18           to whether the facts and information described  
19           in subsection (d)(1) and alleged in the petition  
20           are true with respect to the qualifying commer-  
21           cial enterprise.

22                   “(B) REMOVAL OR EXTENSION OF CONDI-  
23           TIONAL BASIS.—

24                   “(i) IN GENERAL.—Except as pro-  
25                   vided in clause (ii), if the Secretary of

1 Homeland Security determines that such  
2 facts and information are true, including  
3 demonstrating that the alien complied with  
4 subsection (d)(1)(B)(i), the Secretary shall  
5 so notify the alien involved and shall re-  
6 move the conditional basis of the alien's  
7 status effective as of the second anniver-  
8 sary of the alien's lawful admission for  
9 permanent residence.

10 “(ii) EXCEPTION.—If the petition  
11 demonstrates that the facts and informa-  
12 tion are true, including demonstrating that  
13 the alien is in compliance with section  
14 (d)(1)(B)(ii), then the Secretary of Home-  
15 land Security may, in the Secretary's dis-  
16 cretion, extend the conditional status for  
17 an additional year at the end of which—

18 “(I) the alien must file a petition  
19 within 30 days after the third anni-  
20 versary of the alien's lawful admission  
21 for permanent residence dem-  
22 onstrating that the alien complied  
23 with subsection (d)(1)(B)(i) and the  
24 Secretary shall remove the conditional

1 basis of the alien's status effective as  
2 of such third anniversary; or

3 “(II) the conditional status shall  
4 terminate.

5 “(C) DETERMINATION IF ADVERSE DETER-  
6 MINATION.—If the Secretary of Homeland Se-  
7 curity determines that such facts and informa-  
8 tion are not true, the Secretary shall so notify  
9 the alien involved and, subject to subparagraph  
10 (D), shall terminate the permanent resident  
11 status of an alien entrepreneur, alien spouse, or  
12 alien child as of the date of the determination.

13 “(D) HEARING IN REMOVAL PRO-  
14 CEEDING.—Any alien whose permanent resident  
15 status is terminated under subparagraph (C)  
16 may request a review of such determination in  
17 a proceeding to remove the alien. In such pro-  
18 ceeding, the burden of proof shall be on the  
19 Secretary of Homeland Security to establish, by  
20 a preponderance of the evidence, that the facts  
21 and information described in subsection (d)(1)  
22 of this section and alleged in the petition are  
23 not true with respect to the qualifying commer-  
24 cial enterprise.

25 “(d) DETAILS OF PETITION AND INTERVIEW.—



1           “(1) CONTENTS OF PETITION.—Each petition  
2           under subsection (c)(1)(A) shall contain facts and  
3           information demonstrating that—

4                   “(A)(i) any requisite capital to be invested  
5                   under section 203(b)(8)(A)(i)(I) had been in-  
6                   vested, or was actively in the process of being  
7                   invested; and

8                   “(ii) the alien sustained the actions de-  
9                   scribed in clause (i) throughout the period of  
10                  the alien’s residence in the United States;

11                  “(B)(i) the alien created the employment  
12                  required                   under                   section  
13                  203(b)(8)(A)(i)(I)(bb)(AA); or

14                  “(ii) the alien is actively in the process of  
15                  creating the employment required under section  
16                  203(b)(8)(A)(i)(I)(bb)(AA) and will create such  
17                  employment before the third anniversary of the  
18                  alien’s lawful admission for permanent resi-  
19                  dence; and

20                  “(C) the alien is otherwise conforming to  
21                  the requirements of section 203(b)(8)(A)(i).

22           “(2) PERIOD FOR FILING PETITION.—

23                   “(A) 90-DAY PERIOD BEFORE SECOND AN-  
24                   NIVERSARY.—Except as provided in subpara-  
25                   graph (B), the petition under subsection

1 (c)(1)(A) of this section must be filed during  
2 the 90-day period before the second anniversary  
3 of the alien's lawful admission for permanent  
4 residence.

5 “(B) DATE PETITIONS FOR GOOD  
6 CAUSE.—Such a petition may be considered if  
7 filed after such date, but only if the alien estab-  
8 lishes to the satisfaction of the Secretary of  
9 Homeland Security good cause and extenuating  
10 circumstances for failure to file the petition  
11 during the period described in subparagraph  
12 (A).

13 “(C) FILING OF PETITIONS DURING RE-  
14 MOVAL.—In the case of an alien who is the sub-  
15 ject of removal hearings as a result of failure  
16 to file a petition on a timely basis in accordance  
17 with subparagraph (A), the Secretary of Home-  
18 land Security may stay such removal pro-  
19 ceedings against an alien pending the filing of  
20 the petition under subparagraph (B).

21 “(3) PERSONAL INTERVIEW.—The interview  
22 under subsection (c)(1)(B) shall be conducted within  
23 90 days after the date of submitting a petition under  
24 subsection (c)(1)(A) and at a local office of the De-  
25 partment of Homeland Security, designated by the

1 Secretary of Homeland Security, which is convenient  
2 to the parties involved. The Secretary, in the Sec-  
3 retary's discretion, may waive the deadline for such  
4 an interview or the requirement for such an inter-  
5 view in such cases as may be appropriate.

6 “(e) TREATMENT OF PERIOD FOR PURPOSES OF  
7 NATURALIZATION.—For purposes of title III, in the case  
8 of an alien who is in the United States as a lawful perma-  
9 nent resident on a conditional basis under this section, the  
10 alien shall be considered to have been admitted as an alien  
11 lawfully admitted for permanent residence and to be in  
12 the United States as an alien lawfully admitted to the  
13 United States for permanent residence.

14 “(f) DEFINITIONS.—In this section:

15 “(1) The term ‘alien entrepreneur’ means an  
16 alien who obtains the status of an alien lawfully ad-  
17 mitted for permanent residence (whether on a condi-  
18 tional basis or otherwise) under section  
19 203(b)(8)(A)(i)(I) of this title.

20 “(2) The term ‘alien spouse’ and the term ‘alien  
21 child’ mean an alien who obtains the status of an  
22 alien lawfully admitted for permanent residence  
23 (whether on a conditional basis or otherwise) by vir-  
24 tue of being the spouse or child, respectively, of an  
25 alien entrepreneur.

1           “(3) The term ‘commercial enterprise’ includes  
2           a limited partnership.”.

3           (B) CLERICAL AMENDMENT.—The table of  
4           contents for such Act is amended by inserting  
5           after the item relating to section 216A the fol-  
6           lowing:

          “Sec. 216B. Conditional permanent resident status for certain alien entre-  
          preneurs, spouses, and children.”.

7           (d) EFFECTIVE DATE.—The amendments made by  
8           this section shall take effect on October 1, 2013, and shall  
9           apply with respect to fiscal years beginning on or after  
10          such date.

11   **SEC. 103. ADDITIONAL EMPLOYMENT-BASED IMMIGRANT**  
12                           **VISAS.**

13          (a) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IM-  
14          MIGRANTS.—Section 201(d)(1)(A) of the Immigration and  
15          Nationality Act (8 U.S.C. 1151(d)(1)(A)), as amended by  
16          section 101, is further amended by striking “195,000”  
17          and inserting “235,000”.

18          (b) PRIORITY WORKERS.—Section 203(b)(1) of such  
19          Act (8 U.S.C. 1153(b)(1)) is amended by striking “28.6  
20          percent of such worldwide level,” and inserting “40,040,”.

21          (c) ALIENS WHO ARE MEMBERS OF THE PROFES-  
22          SIONS HOLDING ADVANCED DEGREES OR ALIENS OF EX-  
23          CEPTIONAL ABILITY.—Section 203(b)(2) of such Act (8

1 U.S.C. 1153(b)(2)) is amended by striking “28.6 percent  
2 of such worldwide level,” and inserting “55,040,”.

3 (d) SKILLED WORKERS, PROFESSIONALS, AND  
4 OTHER WORKERS.—Section 203(b)(3) of such Act (8  
5 U.S.C. 1153(b)(3)) is amended by striking “28.6 percent  
6 of such worldwide level,” and inserting “55,040,”.

7 (e) CERTAIN SPECIAL IMMIGRANTS.—Section  
8 203(b)(4) of such Act (8 U.S.C. 1153(b)(3)) is amended  
9 by striking “7.1 percent of such worldwide level,” and in-  
10 serting “9,940,”.

11 (f) EMPLOYMENT CREATION.—Section 203(b)(5) of  
12 such Act (8 U.S.C. 1153(b)(4)) is amended by striking  
13 “7.1 percent of such worldwide level,” and inserting  
14 “9,940,”.

15 (g) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on October 1, 2013, and shall  
17 apply with respect to fiscal years beginning on or after  
18 such date.

19 **SEC. 104. EMPLOYMENT CREATION IMMIGRANT VISAS.**

20 (a) CHANGES TO THE GENERAL PROGRAM.—

21 (1) CAPITAL.—Section 203(b)(5)(C) of the Im-  
22 migration and Nationality Act (8 U.S.C.  
23 1153(b)(5)(C)) is amended by adding at the end the  
24 following:

1                   “(iv) CAPITAL DEFINED.—For pur-  
2                   poses of this paragraph, the term ‘capital’  
3                   does not include any assets acquired, di-  
4                   rectly or indirectly, by unlawful means.”.

5                   (2) INFLATION ADJUSTMENT.—Such section, as  
6                   amended by paragraph (1), is further amended by  
7                   adding at the end the following:

8                   “(v) INFLATION ADJUSTMENT.—

9                   “(I) INITIAL ADJUSTMENT.—As  
10                  of the date of enactment of the  
11                  SKILLS Visa Act, the amount speci-  
12                  fied in the first sentence of clause (i)  
13                  shall be increased by the percentage  
14                  (if any) by which the Consumer Price  
15                  Index for the month preceding such  
16                  enactment date exceeds the Consumer  
17                  Price Index for the same month of  
18                  calendar year 1990. The increase de-  
19                  scribed in the preceding sentence shall  
20                  apply to aliens filing petitions under  
21                  section 204(a)(1)(H) on or after such  
22                  enactment date.

23                  “(II) SUBSEQUENT ADJUST-  
24                  MENTS.—Effective for the first fiscal  
25                  year that begins more than 6 months

1 after the date of the enactment of this  
2 clause, and for each fiscal year there-  
3 after, the amount described in sub-  
4 clause (I) (as of the last increase to  
5 such amount) shall be increased by  
6 the percentage (if any) by which the  
7 Consumer Price Index for the month  
8 of June preceding the date on which  
9 such increase takes effect exceeds the  
10 Consumer Price Index for the same  
11 month of the preceding calendar year.  
12 An increase described in the preceding  
13 sentence shall apply to aliens filing  
14 petitions under section 204(a)(1)(H)  
15 on or after the date on which the in-  
16 crease takes effect.

17 “(III) DEFINITION.—For pur-  
18 poses of this clause, the term ‘Con-  
19 sumer Price Index’ means the Con-  
20 sumer Price Index for all urban con-  
21 sumers published by the Department  
22 of Labor.”.

23 (3) FLEXIBILITY FOR JOB CREATION TIME PE-  
24 RIOD.—

1 (A) REMOVAL OF CONDITIONAL BASIS IF  
2 FAVORABLE DETERMINATION.—Section  
3 216A(c)(3)(B) of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1186b(c)(3)(B)), is amend-  
5 ed to read as follows:

6 “(B) REMOVAL OR EXTENSION OF CONDI-  
7 TIONAL BASIS.—

8 “(i) IN GENERAL.—Except as pro-  
9 vided under clause (ii), if the Secretary of  
10 Homeland Security determines that such  
11 facts and information are true, including  
12 demonstrating that the alien complied with  
13 section (d)(1)(B)(i), the Secretary shall so  
14 notify the alien involved and shall remove  
15 the conditional basis of the alien’s status  
16 effective as of the second anniversary of  
17 the alien’s lawful admission for permanent  
18 residence.

19 “(ii) EXCEPTION.—If the petition  
20 demonstrates that the facts and informa-  
21 tion are true, including demonstrating that  
22 the alien is in compliance with section  
23 (d)(1)(B)(ii), then the Secretary of Home-  
24 land Security may in the Secretary’s dis-



1                   cretion extend the conditional status for an  
2                   additional year at the end of which—

3                   “(I) the alien must file a petition  
4                   within 30 days after the third anni-  
5                   versary of the alien’s lawful admission  
6                   for permanent residence dem-  
7                   onstrating that the alien complied  
8                   with section (d)(1)(B)(i) and the Sec-  
9                   retary shall remove the conditional  
10                  basis of the alien’s status effective as  
11                  of such third anniversary; or

12                  “(II) the conditional status shall  
13                  terminate.”.

14                  (B) CONTENTS OF PETITION.—Section  
15                  216A(d)(1) of such Act (8 U.S.C. 1186b(d)(1))  
16                  is amended—

17                  (i) by striking “and” at the end of  
18                  subparagraph (A);

19                  (ii) by redesignating subparagraph  
20                  “(B)” as subparagraph “(C)”; and

21                  (iii) by inserting after subparagraph  
22                  (A) the following:

23                  “(B)(i) created the employment required  
24                  under section 203(b)(5)(A)(ii); or

1           “(ii) is actively in the process of creating  
2           the employment required under section  
3           203(b)(5)(A)(ii) and will create such employ-  
4           ment before the third anniversary of the alien’s  
5           lawful admission for permanent residence;  
6           and”.

7           (4) TARGETED EMPLOYMENT AREAS.—

8           (A) TARGETED EMPLOYMENT AREA DE-  
9           FINED.—Section 203(b)(5)(B)(ii) of the Immi-  
10          gration and Nationality Act (8 U.S.C.  
11          1153(b)(5)(B)(ii)) is amended by striking “(of  
12          at least 150 percent of the national average  
13          rate)”.

14          (B) SET-ASIDE FOR TARGETED EMPLOY-  
15          MENT AREA.—Section 203(b)(5)(B) of the Im-  
16          migration and Nationality Act (8 U.S.C.  
17          1153(b)(5)(B)) is amended by adding at the  
18          end the following:

19                 “(iv) DEFINITION.—In this para-  
20                 graph, the term ‘an area which has experi-  
21                 enced high unemployment’ means an area  
22                 which has an unemployment rate of at  
23                 least 150 of the national average rate.  
24                 Such an area must fit entirely within a  
25                 geographical unit that the Secretary of

1 Labor has determined has an unemploy-  
2 ment rate of at least 150 percent of the  
3 national average rate (and which deter-  
4 mination has not been superseded by a  
5 later determination in which the Secretary  
6 of Labor has found that the unit did not  
7 have an unemployment rate of at least 150  
8 percent of the national average rate). The  
9 Secretary of Labor shall set forth a uni-  
10 form methodology for determining whether  
11 an area an area qualifies as having experi-  
12 enced unemployment of at least 150 per-  
13 cent of the national average rate. It shall  
14 be within the discretion of the Secretary of  
15 Homeland Security to determine whether  
16 any particular area has experienced high  
17 unemployment for purposes of this para-  
18 graph, and the Secretary shall not be  
19 bound by the determination of any other  
20 governmental or nongovernmental entity  
21 that a particular area has experienced high  
22 unemployment for purposes of this para-  
23 graph.”.

24 (b) REGIONAL CENTERS.—

1           (1) PERMANENT REAUTHORIZATION OF THE  
2 REGIONAL CENTER PILOT PROGRAM.—Section 610  
3 of the Departments of Commerce, Justice, and  
4 State, the Judiciary, and Related Agencies Appro-  
5 priations Act, 1993 (8 U.S.C. 1153 note) is amend-  
6 ed—

7           (A) by striking “pilot” each place such  
8 term appears; and

9           (B) in subsection (b), by striking “until  
10 September 30, 2015”.

11          (2) PERSONS BARRED FROM INVOLVEMENT IN  
12 REGIONAL CENTERS.—

13           (A) PROHIBITION.—Such section 610 is  
14 amended by adding at the end the following:

15          “(e)(1) No person who—

16           “(A) has been convicted of an aggravated felony  
17 (as defined in section 101(a)(43) of the Immigration  
18 and Nationality Act (8 U.S.C. 1101(a)(43)));

19           “(B) would be inadmissible under section  
20 212(a)(3) of such Act (8 U.S.C. 1182(a)(3)) if they  
21 were an alien seeking admission; or

22           “(C) has been convicted of violating, or found  
23 to have violated, a fraud provision of the Federal se-  
24 curities laws (as such term is defined under section

1       3 of the Securities Exchange Act of 1934 (15 U.S.C.  
2       78c)),  
3       shall be permitted by any regional center to be in-  
4       volved with the regional center as its principal, rep-  
5       resentative, administrator, owner, officer, board  
6       member, manager, executive, general partner, fidu-  
7       ciary, marketer, promoter, or in other similar posi-  
8       tion of substantive authority for the operations,  
9       management, or promotion of the regional center.

10       “(2) The Secretary of Homeland Security shall re-  
11       quire such attestations and information (including biomet-  
12       ric information), and shall perform such criminal record  
13       checks and other background checks with respect to a re-  
14       gional center, and persons involved in a regional center  
15       as described in paragraph (1), as the Secretary, in the  
16       Secretary’s discretion, considers appropriate to determine  
17       whether the regional center is in compliance with para-  
18       graph (1).

19       “(3) The Secretary is authorized, in the Secretary’s  
20       unreviewable discretion, to terminate any regional center  
21       from the program under this section if the Secretary de-  
22       termines that—

23               “(A) the regional center is in violation of para-  
24       graph (1);

1           “(B) the regional center, or any person involved  
2           with the regional center as described in paragraph  
3           (1), has provided any false attestation or informa-  
4           tion under paragraph (2); or

5           “(C) the regional center, or any person involved  
6           with the regional center as described in paragraph  
7           (1), fails to provide an attestation or information re-  
8           quested by the Secretary under paragraph (2).

9           “(4) For the purpose of this subsection, the  
10          term ‘regional center’ shall, in addition to the re-  
11          gional center itself, include any commercial enter-  
12          prise or job creating enterprise in which a regional  
13          center has invested.”.

14                 (B)     COMPLIANCE     WITH     SECURITIES  
15                 LAWS.—Such section 610, as amended by sub-  
16                 paragraph (A), is further amended by adding at  
17                 the end the following:

18           “(f)(1) The Secretary of Homeland Security shall not  
19           approve an application for regional center designation or  
20           regional center amendment that does not certify that the  
21           regional center and all parties to the regional center are  
22           in and will maintain compliance with Federal securities  
23           laws (as such term is defined under section 3 of the Secu-  
24           rities Exchange Act of 1934 (15 U.S.C. 78c)).

1       “(2) The Secretary of Homeland Security shall imme-  
2 diately terminate the designation of any regional center  
3 that does not provide the certification described in para-  
4 graph (1) on an annual basis.

5       “(3) In addition to any other authority provided to  
6 the Secretary of Homeland Security regarding the pro-  
7 gram described in this section, the Secretary may suspend  
8 or terminate the designation of any regional center if the  
9 Secretary determines that the regional center, or any  
10 party to the regional center:

11           “(A) is permanently or temporarily enjoined by  
12 order, judgment, or decree of any court of competent  
13 jurisdiction in connection with the purchase or sale  
14 of a security;

15           “(B) is subject to any order of the Securities  
16 and Exchange Commission that bars such person  
17 from association with an entity regulated by the Se-  
18 curities and Exchange Commission, or constitutes a  
19 final order based on violations in connection with the  
20 purchase or sale of a security;

21           “(C) has been convicted of violating, or found  
22 to have violated, a fraud provision of the Federal se-  
23 curities laws (as such term is defined under section  
24 3 of the Securities Exchange Act of 1934 (15 U.S.C.  
25 78c)); or

1           “(D) knowingly submitted or caused to be sub-  
2           mitted a certification described in paragraphs (1) or  
3           (2) of this subsection that contained an untrue  
4           statement of material fact, or omitted to state a ma-  
5           terial fact necessary, in order to make the state-  
6           ments made, in light of the circumstances under  
7           which they were made, not misleading.

8           “(4) Nothing in this subsection shall be construed to  
9           impair or limit the authority of the Securities and Ex-  
10          change Commission under the Federal securities laws.

11          “(5) For the purpose of this subsection, the term  
12          ‘party to the regional center’ shall include, in addition to  
13          the regional center itself, its agents, servants, employees,  
14          attorneys, or any persons in active concert or participation  
15          with the regional center.”.

16          (c) EFFECTIVE DATES.—

17                 (1) IN GENERAL.—Except for the amendments  
18                 made by paragraphs (1) and (2) of subsection (a),  
19                 the amendments made by subsections (a) and (b)  
20                 shall take effect on the date of the enactment of this  
21                 Act and shall apply—

22                         (A) to aliens filing petitions under section  
23                         204(a)(1)(H) of the Immigration and Nation-  
24                         ality Act (8 U.S.C. 1154(a)(1)(H)) on or after  
25                         such date;



1 (B) to a regional center (and any person  
2 involved with or a party to a regional center)  
3 designated before, on, or after such date; and

4 (C) to any application to designate a re-  
5 gional center, and any person involved with or  
6 a party to the regional center, that is pending  
7 on such date.

8 (2) DEFINITION OF “CAPITAL”.—The amend-  
9 ment made by subsection (a)(1) shall take effect on  
10 the date of the enactment of this Act.

11 (3) INFLATION ADJUSTMENT.—The amendment  
12 made by subsection (a)(2) shall take effect as pro-  
13 vided in section 203(b)(5)(C)(v) of the Immigration  
14 and Nationality Act, as added by subsection (a)(2)  
15 of this section.

16 **SEC. 105. FAMILY-SPONSORED IMMIGRANT VISAS.**

17 (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-  
18 MIGRANTS.—Section 201(c)(1) of the Immigration and  
19 Nationality Act (8 U.S.C. 1151(c)(1)) is amended—

20 (1) in subparagraph (A)(i), by striking  
21 “480,000,” and inserting “480,000 in fiscal years  
22 through 2013 and 440,000 beginning in fiscal year  
23 2014,”; and

24 (2) in subparagraph (B)(ii), by striking  
25 “226,000.” and inserting “226,000 in fiscal years

1 through 2013 and 186,000 beginning in fiscal year  
2 2014.”.

3 (b) PREFERENCE ALLOCATION FOR FAMILY-SPON-  
4 SORED IMMIGRANTS.—Section 203(a)(2) of such Act (8  
5 U.S.C. 1153(a)(2)) is amended—

6 (1) by striking “114,200,” and inserting  
7 “139,200,”;

8 (2) by striking “226,000,” and inserting  
9 “226,000 in fiscal years through 2013 and 186,000  
10 beginning in fiscal year 2014,”; and

11 (3) by striking “77” and inserting “81.13”.

12 (c) BROTHERS AND SISTERS OF CITIZENS.—Section  
13 203(a) of such Act (8 U.S.C. 1151(a)) is amended by  
14 striking paragraph (4).

15 (d) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on October 1, 2014, and shall  
17 apply with respect to fiscal years beginning on or after  
18 such date.

19 **SEC. 106. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**  
20 **GRAM.**

21 (a) WORLDWIDE LEVEL OF DIVERSITY IMMI-  
22 GRANTS.—Section 201 of the Immigration and Nation-  
23 ality Act (8 U.S.C. 1151) is amended—

24 (1) in subsection (a)—

1 (A) by inserting “and” at the end of para-  
2 graph (1);

3 (B) by striking “; and” at the end of para-  
4 graph (2) and inserting a period; and

5 (C) by striking paragraph (3); and  
6 (2) by striking subsection (e).

7 (b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—  
8 Section 203 of such Act (8 U.S.C. 1153) is amended—

9 (1) by striking subsection (c);

10 (2) in subsection (d), by striking “(a), (b), or  
11 (c),” and inserting “(a) or (b),”;

12 (3) in subsection (e), by striking paragraph (2)  
13 and redesignating paragraph (3) as paragraph (2);

14 (4) in subsection (f), by striking “(a), (b), or  
15 (c)” and inserting “(a) or (b)”; and

16 (5) in subsection (g), by striking “(a), (b), and  
17 (c)” and inserting “(a) and (b)”.

18 (c) PROCEDURE FOR GRANTING IMMIGRANT STA-  
19 TUS.—Section 204 of such Act (8 U.S.C. 1154) is amend-  
20 ed—

21 (1) by striking subsection (a)(1)(I); and

22 (2) in subsection (e), by striking “(a), (b), or  
23 (c)” and inserting “(a) or (b)”.

24 (d) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect on October 1, 2013, and shall

1 apply with respect to fiscal years beginning on or after  
2 such date.

3 **SEC. 107. NUMERICAL LIMITATION TO ANY SINGLE FOR-**  
4 **EIGN STATE.**

5 (a) IN GENERAL.—Section 202(a)(2) of the Immi-  
6 gration and Nationality Act (8 U.S.C. 1152(a)(2)) is  
7 amended—

8 (1) in the paragraph heading, by striking “AND  
9 EMPLOYMENT-BASED”;

10 (2) by striking “(3), (4), and (5),” and insert-  
11 ing “(3) and (4),”;

12 (3) by striking “subsections (a) and (b) of sec-  
13 tion 203” and inserting “section 203(a)”;

14 (4) by striking “7” and inserting “15”; and

15 (5) by striking “such subsections” and inserting  
16 “such section”.

17 (b) CONFORMING AMENDMENTS.—Section 202 of the  
18 Immigration and Nationality Act (8 U.S.C. 1152) is  
19 amended—

20 (1) in subsection (a)(3), by striking “both sub-  
21 sections (a) and (b) of section 203” and inserting  
22 “section 203(a)”;

23 (2) by striking subsection (a)(5); and

24 (3) by amending subsection (e) to read as fol-  
25 lows:

1       “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—  
2 If it is determined that the total number of immigrant  
3 visas made available under section 203(a) to natives of  
4 any single foreign state or dependent area will exceed the  
5 numerical limitation specified in subsection (a)(2) in any  
6 fiscal year, in determining the allotment of immigrant visa  
7 numbers to natives under section 203(a), visa numbers  
8 with respect to natives of that state or area shall be allo-  
9 cated (to the extent practicable and otherwise consistent  
10 with this section and section 203) in a manner so that,  
11 except as provided in subsection (a)(4), the proportion of  
12 the visa numbers made available under each of paragraphs  
13 (1) through (4) of section 203(a) is equal to the ratio of  
14 the total number of visas made available under the respec-  
15 tive paragraph to the total number of visas made available  
16 under section 203(a).”.

17       (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the  
18 Chinese Student Protection Act of 1992 (8 U.S.C. 1255  
19 note) is amended—

20               (1) in subsection (a), by striking “subsection  
21       (e))” and inserting “subsection (d))”; and

22               (2) by striking subsection (d) and redesignating  
23       subsection (e) as subsection (d).

24       (d) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect on October 1, 2013.

1   **SEC. 108. PHYSICIANS.**

2           (a) PERMANENT AUTHORIZATION OF THE CONRAD  
3 STATE 30 PROGRAM.—Section 220(c) of the Immigration  
4 and Nationality Technical Corrections Act of 1994 (Public  
5 Law 103–416; 8 U.S.C. 1182 note) is amended by striking  
6 “and before September 30, 2015”.

7           (b) ALLOTMENT OF CONRAD 30 WAIVERS.—

8               (1) IN GENERAL.—Section 214(l) of the Immi-  
9 gration and Nationality Act (8 U.S.C. 1184(l)) is  
10 amended by adding at the end the following:

11           “(4)(A)(i) All States shall be allotted a total of 35  
12 waivers under paragraph (1)(B) for a fiscal year if 90 per-  
13 cent of the waivers available to the States receiving at  
14 least 5 waivers were used in the previous fiscal year.

15           “(ii) When an allocation has occurred under clause  
16 (i), all States shall be allotted an additional 5 waivers  
17 under paragraph (1)(B) for each subsequent fiscal year  
18 if 90 percent of the waivers available to the States receiv-  
19 ing at least 5 waivers were used in the previous fiscal year.  
20 If the States are allotted 45 or more waivers for a fiscal  
21 year, the States will only receive an additional increase  
22 of 5 waivers the following fiscal year if 95 percent of the  
23 waivers available to the States receiving at least 1 waiver  
24 were used in the previous fiscal year.

25           “(B) Any increase in allotments under subparagraph  
26 (A) shall be maintained indefinitely, unless in a fiscal year,

1 the total number of such waivers granted is 5 percent  
2 lower than in the last year in which there was an increase  
3 in the number of waivers allotted pursuant to this para-  
4 graph, in which case—

5 “(i) the number of waivers allotted shall be de-  
6 creased by 5 for all States beginning in the next fis-  
7 cal year; and

8 “(ii) each additional 5 percent decrease in such  
9 waivers granted from the last year in which there  
10 was an increase in the allotment, shall result in an  
11 additional decrease of 5 waivers allotted for all  
12 States, provided that the number of waivers allotted  
13 for all States shall not drop below 30.”.

14 (2) ACADEMIC MEDICAL CENTERS.—Section  
15 214(l)(1)(D) of the Immigration and Nationality Act  
16 (8 U.S.C. 1184(l)(1)(D)) is amended—

17 (A) in clause (ii), by striking “and” at the  
18 end;

19 (B) in clause (iii), by striking the period at  
20 the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(iv) in the case of a request by an inter-  
23 ested State agency—

24 “(I) the head of such agency deter-  
25 mines that the alien is to practice medicine

1 in, or be on the faculty of a residency pro-  
2 gram at, an academic medical center (as  
3 that term is defined in section  
4 411.355(e)(2) of title 42, Code of Federal  
5 Regulations, or similar successor regula-  
6 tion), without regard to whether such facil-  
7 ity is located within an area designated by  
8 the Secretary of Health and Human Serv-  
9 ices as having a shortage of health care  
10 professionals; and

11 “(II) the head of such agency deter-  
12 mines that—

13 “(aa) the alien physician’s work  
14 is in the public interest; and

15 “(bb) the grant of such waiver  
16 would not cause the number of the  
17 waivers granted on behalf of aliens for  
18 such State for a fiscal year (within  
19 the limitation in subparagraph (B)  
20 and subject to paragraph (4)) in ac-  
21 cordance with the conditions of this  
22 clause to exceed 3.”.

23 (c) EMPLOYMENT PROTECTIONS FOR PHYSICIANS.—

24 (1) IN GENERAL.—Section 214(l)(1)(C) of the  
25 Immigration and Nationality Act (8 U.S.C.



1       1184(l)(1)(C)) is amended by striking clauses (i)  
2       and (ii) and inserting the following:

3               “(i) the alien demonstrates a bona fide  
4       offer of full-time employment, at a health care  
5       organization, which employment has been deter-  
6       mined by the Secretary of Homeland Security  
7       to be in the public interest; and

8               “(ii) the alien agrees to begin employment  
9       with the health facility or health care organiza-  
10      tion in a geographic area or areas which are  
11      designated by the Secretary of Health and  
12      Human Services as having a shortage of health  
13      care professionals by the later of the date that  
14      is 90 days after receiving such waiver, 90 days  
15      after completing graduate medical education or  
16      training under a program approved pursuant to  
17      section 212(j)(1), or 90 days after receiving  
18      nonimmigrant status or employment authoriza-  
19      tion, and agrees to continue to work for a total  
20      of not less than 3 years in any status author-  
21      ized for such employment under this subsection  
22      unless—

23               “(I) the Secretary determines that ex-  
24      tenuating circumstances exist that justify a  
25      lesser period of employment at such facility

1 or organization, in which case the alien  
2 shall demonstrate another bona fide offer  
3 of employment at a health facility or  
4 health care organization, for the remainder  
5 of such 3-year period;

6 “(II) the interested State agency that  
7 requested the waiver attests that extenu-  
8 ating circumstances exist that justify a  
9 lesser period of employment at such facility  
10 or organization in which case the alien  
11 shall demonstrate another bona fide offer  
12 of employment at a health facility or  
13 health care organization so designated by  
14 the Secretary of Health and Human Serv-  
15 ices, for the remainder of such 3-year pe-  
16 riod; or

17 “(III) if the alien elects not to pursue  
18 a determination of extenuating cir-  
19 cumstances pursuant to subclause (I) or  
20 (II), the alien terminates the alien’s em-  
21 ployment relationship with such facility or  
22 organization, in which case the alien shall  
23 be employed for the remainder of such 3-  
24 year period, and 1 additional year for each  
25 determination, at another health facility or

1 health care organization in a geographic  
2 area or areas which are designated by the  
3 Secretary of Health and Human Services  
4 as having a shortage of health care profes-  
5 sionals; and”.

6 (2) CONTRACT REQUIREMENTS.—Section 214(l)  
7 of the Immigration and Nationality Act (8 U.S.C.  
8 1184(l)), as amended by subsection (b)(1), is further  
9 amended by adding at the end the following:

10 “(5) An alien granted a waiver under paragraph  
11 (1)(C) shall enter into an employment agreement with the  
12 contracting health facility or health care organization  
13 that—

14 “(A) specifies the maximum number of on-call  
15 hours per week (which may be a monthly average)  
16 that the alien will be expected to be available and  
17 the compensation the alien will receive for on-call  
18 time;

19 “(B) specifies whether the contracting facility  
20 or organization will pay for the alien’s malpractice  
21 insurance premiums, including whether the employer  
22 will provide malpractice insurance and, if so, the  
23 amount of such insurance that will be provided;

24 “(C) describes all of the work locations that the  
25 alien will work and a statement that the contracting

1 facility or organization will not add additional work  
2 locations without the approval of the Federal agency  
3 or State agency that requested the waiver; and

4 “(D) does not include a non-compete provision.

5 “(6) An alien granted a waiver under paragraph  
6 (1)(C) whose employment relationship with a health facil-  
7 ity or health care organization terminates during the 3-  
8 year service period required by such paragraph—

9 “(A) shall have a period of 120 days beginning  
10 on the date of such determination of employment to  
11 submit to the Secretary of Homeland Security appli-  
12 cations or petitions to commence employment with  
13 another contracting health facility or health care or-  
14 ganization in a geographic area or areas which are  
15 designated by the Secretary of Health and Human  
16 Services as having a shortage of health care profes-  
17 sionals; and

18 “(B) shall be considered to be maintaining law-  
19 ful status in an authorized stay during the 120-day  
20 period referred to in subparagraph (A).”.

21 (d) AMENDMENTS TO THE PROCEDURES, DEFINI-  
22 TIONS, AND OTHER PROVISIONS RELATED TO PHYSICIAN  
23 IMMIGRATION.—

24 (1) DUAL INTENT FOR PHYSICIANS SEEKING  
25 GRADUATE MEDICAL TRAINING.—Section 214(b) of

1 the Immigration and Nationality Act (8 U.S.C.  
2 1184(b)) is amended by striking “(other than a non-  
3 immigrant described in subparagraph (L) or (V) of  
4 section 101(a)(15), and other than a nonimmigrant  
5 described in any provision of section  
6 101(a)(15)(H)(i) except subclause (b1) of such sec-  
7 tion)” and inserting “(other than a nonimmigrant  
8 described in subparagraph (L) or (V) of section  
9 101(a)(15), a nonimmigrant described in any provi-  
10 sion of section 101(a)(15)(H)(i), except subclause  
11 (b1) of such section, and an alien coming to the  
12 United States to receive graduate medical education  
13 or training as described in section 212(j) or to take  
14 examinations required to receive graduate medical  
15 education or training as described in section  
16 212(j))”.

17 (2) ALLOWABLE VISA STATUS FOR PHYSICIANS  
18 FULFILLING WAIVER REQUIREMENTS IN MEDICALLY  
19 UNDERSERVED AREAS.—Section 214(l)(2)(A) of the  
20 Immigration and Nationality Act (8 U.S.C.  
21 1184(l)(2)(A)) is amended by striking “an alien de-  
22 scribed in section 101(a)(15)(H)(i)(b).” and insert-  
23 ing “any status authorized for employment under  
24 this Act.”.

1           (3) PHYSICIAN NATIONAL INTEREST WAIVER  
2           CLARIFICATIONS.—

3           (A) PRACTICE AND GEOGRAPHIC AREA.—

4           Section 203(b)(2)(B)(ii)(I) of the Immigration  
5           and Nationality Act (8 U.S.C.  
6           1153(b)(2)(B)(ii)(I)) is amended by striking  
7           items (aa) and (bb) and inserting the following:

8                   “(aa) the alien physician agrees to  
9                   work on a full-time basis practicing pri-  
10                  mary care, specialty medicine, or a com-  
11                  bination thereof, in an area or areas des-  
12                  ignated by the Secretary of Health and  
13                  Human Services as having a shortage of  
14                  health care professionals, or at a health  
15                  care facility under the jurisdiction of the  
16                  Secretary of Veterans Affairs; or

17                   “(bb) the alien physician is pursuing  
18                   such waiver based upon service at a facility  
19                   or facilities that serve patients who reside  
20                   in a geographic area or areas designated  
21                   by the Secretary of Health and Human  
22                   Services as having a shortage of health  
23                   care professionals (without regard to  
24                   whether such facility or facilities are lo-  
25                   cated within such an area) and a Federal

1           agency, or a local, county, regional, or  
2           State department of public health deter-  
3           mines the alien physician’s work was or  
4           will be in the public interest.”.

5           (B) FIVE-YEAR SERVICE REQUIREMENT.—  
6           Section 203(b)(2)(B)(ii)(II) of the Immigration  
7           and Nationality Act (8 U.S.C. 1153(B)(ii)(II))  
8           is amended—

9                   (i) by inserting “(aa)” after “(II)”;  
10                  and

11                   (ii) by adding at the end the fol-  
12                  lowing:

13                  “(bb) The 5-year service requirement of  
14                  item (aa) shall be counted from the date the  
15                  alien physician begins work in the shortage area  
16                  in any legal status and not the date an immi-  
17                  grant visa petition is filed or approved. Such  
18                  service shall be aggregated without regard to  
19                  when such service began and without regard to  
20                  whether such service began during or in con-  
21                  junction with a course of graduate medical edu-  
22                  cation.

23                  “(cc) An alien physician shall not be re-  
24                  quired to submit an employment contract with  
25                  a term exceeding the balance of the 5-year com-

1           mitment yet to be served, nor an employment  
2           contract dated within a minimum time period  
3           prior to filing of a visa petition pursuant to this  
4           subsection.

5           “(dd) An alien physician shall not be re-  
6           quired to file additional immigrant visa peti-  
7           tions upon a change of work location from the  
8           location approved in the original national inter-  
9           est immigrant petition.”.

10          (4) TECHNICAL CLARIFICATION REGARDING AD-  
11          VANCED DEGREE FOR PHYSICIANS.—Section  
12          203(b)(2)(A) of the Immigration and Nationality  
13          Act (8 U.S.C. 1153(b)(2)(A)) is amended by adding  
14          at the end “An alien physician holding a foreign  
15          medical degree that has been deemed sufficient for  
16          acceptance by an accredited United States medical  
17          residency or fellowship program is a member of the  
18          professions holding an advanced degree or its equiv-  
19          alent.”.

20          (5) SHORT-TERM WORK AUTHORIZATION FOR  
21          PHYSICIANS COMPLETING THEIR RESIDENCIES.—A  
22          physician completing graduate medical education or  
23          training as described in section 212(j) of the Immi-  
24          gration and Nationality Act (8 U.S.C. 1182(j)) as a  
25          nonimmigrant described section 101(a)(15)(H)(i) of



1       such Act (8 U.S.C. 1101(a)(15)(H)(i)) shall have  
2       such nonimmigrant status automatically extended  
3       until October 1 of the fiscal year for which a petition  
4       for a continuation of such nonimmigrant status has  
5       been submitted in a timely manner and where the  
6       employment start date for the beneficiary of such  
7       petition is October 1 of that fiscal year. Such physi-  
8       cian shall be authorized to be employed incident to  
9       status during the period between the filing of such  
10      petition and October 1 of such fiscal year. However,  
11      the physician's status and employment authorization  
12      shall terminate 30 days from the date such petition  
13      is rejected, denied or revoked. A physician's status  
14      and employment authorization will automatically ex-  
15      tend to October 1 of the next fiscal year if all visas  
16      as described in such section 101(a)(15)(H)(i) au-  
17      thorized to be issued for the fiscal year have been  
18      issued.

19           (6) APPLICABILITY OF SECTION 212(e) TO  
20      SPOUSES AND CHILDREN OF J-1 EXCHANGE VISI-  
21      TORS.—A spouse or child of an exchange visitor de-  
22      scribed in section 101(a)(15)(J) of the Immigration  
23      and Nationality Act (8 U.S.C. 1101(a)(15)(J)) shall  
24      not be subject to the requirements of section 212(e)

1 of the Immigration and Nationality Act (8 U.S.C.  
2 1182(e)).

3 (e) EFFECTIVE DATE.—The amendments made by  
4 subsections (a) and (c) shall take effect on the date of  
5 the enactment of this Act and shall apply to aliens granted  
6 waivers before, on, or after the date of the enactment of  
7 this Act. Subsection (d), and the amendments made by  
8 subsections (b) and (d), shall take effect on October 1,  
9 2013.

10 **SEC. 109. PERMANENT PRIORITY DATES.**

11 (a) IN GENERAL.—Section 203 of the Immigration  
12 and Nationality Act (8 U.S.C. 1153) is amended by add-  
13 ing at the end the following:

14 “(i) PERMANENT PRIORITY DATES.—

15 “(1) IN GENERAL.—Subject to subsection  
16 (h)(3) and paragraph (2), the priority date for any  
17 employment-based petition shall be the date of filing  
18 of the petition with the Secretary of Homeland Secu-  
19 rity (or the Secretary of State, if applicable), unless  
20 the filing of the petition was preceded by the filing  
21 of a labor certification with the Secretary of Labor,  
22 in which case that date shall constitute the priority  
23 date.

24 “(2) SUBSEQUENT EMPLOYMENT-BASED PETI-  
25 TIONS.—Subject to subsection (h)(3), an alien who

1 is the beneficiary of any employment-based petition  
2 that was approvable when filed (including self-peti-  
3 tioners) shall retain the priority date assigned with  
4 respect to that petition in the consideration of any  
5 subsequently filed employment-based petition (in-  
6 cluding self-petitions).”.

7 (b) EFFECTIVE DATE.—The amendment made by  
8 subsection (a) shall take effect on October 1, 2013, and  
9 shall apply to aliens who are a beneficiary of a classifica-  
10 tion petition pending on or after such date.

## 11 **TITLE II—NONIMMIGRANT VISA** 12 **REFORMS**

### 13 **SEC. 201. H-1B VISAS.**

14 (a) INCREASE IN H-1B VISA NUMERICAL LIMIT.—  
15 Section 214(g) of the Immigration and Nationality Act (8  
16 U.S.C. 1184(g) is amended—

17 (1) in paragraph (1)(A)—

18 (A) in clause (vi), by striking “and” at the  
19 end,

20 (B) by amending clause (vii) to read as fol-  
21 lows:

22 “(vii) 65,000 in fiscal years 2004 through  
23 2013; and”; and

24 (C) by adding at the end the following:

1 “(viii) 155,000 in each succeeding fis-  
2 cal year; or”; and

3 (2) by amending paragraph (5)(C) to read as  
4 follows:

5 “(C) meets the requirements of paragraph  
6 (6)(A) or (7)(A) of section 203(b), until the number  
7 of aliens who are exempted from such numerical lim-  
8 itation during such year exceeds 40,000.”.

9 (b) SPOUSAL EMPLOYMENT.—Section 214(c)(1)(E)  
10 of the Immigration and Nationality Act (8 U.S.C.  
11 1184(c)(1)(E)) is amended by striking “101(a)(15)(L),”  
12 and inserting “subparagraph (H)(i)(b), (H)(i)(b1),  
13 (E)(iii), or (L) of section 101(a)”.

14 (c) ANTI-FRAUD MEASURES.—

15 (1) FOREIGN DEGREES.—

16 (A) SPECIALTY OCCUPATION.—Section  
17 214(i) of the Immigration and Nationality Act  
18 (8 U.S.C. 1184(i)) is amended by adding at the  
19 end the following:

20 “(4)(A) For purposes of paragraphs (1)(B) and  
21 (3)(B), the term ‘bachelor’s or higher degree’ in-  
22 cludes a foreign degree that is a recognized foreign  
23 equivalent of a bachelor’s or higher degree.

24 “(B)(i) In the case of an alien with a foreign  
25 degree, any determination with respect to the

1 equivalence of that degree to a degree obtained in  
2 the United States shall be made by the Secretary of  
3 State.

4 “(ii) In carrying out the preceding clause, the  
5 Secretary of State shall verify the authenticity of  
6 any foreign degree proffered by an alien. The Sec-  
7 retary of State may enter into contracts with public  
8 or private entities in conducting such verifications.

9 “(iii) In addition to any other fees authorized  
10 by law, the Secretary of State may impose a fee on  
11 an employer filing a petition under subsection (c)(1)  
12 initially to grant an alien nonimmigrant status de-  
13 scribed in section 101(a)(15)(H)(i)(b), if a deter-  
14 mination or verification described in clause (i) or (ii)  
15 is required with respect to the petition. Fees col-  
16 lected under this clause shall be deposited in the  
17 Treasury in accordance with section 286(t).”.

18 (B) Section 286 of the Immigration and  
19 Nationality Act (8 U.S.C. 1356) is amended by  
20 adding at the end the following:

21 “(w) H-1B EDUCATIONAL CREDENTIAL  
22 VERIFICATION ACCOUNT.—There is established in the  
23 general fund of the Treasury a separate account, which  
24 shall be known as the ‘H-1B Educational Credential  
25 Verification Account’. Notwithstanding any other provi-

1 sion of law, there shall be deposited as offsetting receipts  
2 into the account all fees collected under section  
3 214(i)(4)(B)(iii). Amounts deposited into the account  
4 shall remain available to the Secretary of State until ex-  
5 pended to carry out section 214(i)(4)(B).”.

6 (2) INVESTIGATIONS.—The first sentence of  
7 subsection (n)(2)(F), and the first sentence of sub-  
8 section (t)(3)(E) (as added by section 402(b)(2) of  
9 Public Law 108–77 (117 Stat. 941)), of section 212  
10 of the Immigration and Nationality Act (8 U.S.C.  
11 1182) are each amended by striking all that follows  
12 “investigations” and inserting a period.

13 (3) BONA FIDE BUSINESSES.—Section 214(c)  
14 of the Immigration and Nationality Act (8 U.S.C.  
15 1184(c)) is amended by adding at the end the fol-  
16 lowing:

17 “(15) The Secretary of Homeland Security may  
18 not approve any petition under paragraph (1) filed  
19 by an employer with respect to an alien seeking to  
20 obtain the status of a nonimmigrant under subclause  
21 (b) or (b1) of section 101(a)(15)(H)(i) and the Sec-  
22 retary of State may not approve a visa with respect  
23 to an alien seeking to obtain the status of a non-  
24 immigrant under subparagraph (E)(iii) or (H)(i)(b1)  
25 of section 101(a)(15) unless—

1 “(A) the employer—

2 “(i) is an institution of higher edu-  
3 cation (as defined in section 101(a) of the  
4 Higher Education Act of 1965 (20 U.S.C.  
5 1001(a))), or a governmental or nonprofit  
6 entity; or

7 “(ii) maintains a place of business in  
8 the United States that is licensed in ac-  
9 cordance with any applicable State or local  
10 business licensing requirements and is used  
11 exclusively for business purposes; and

12 “(B) the employer—

13 “(i) is a governmental entity;

14 “(ii) has aggregate gross assets with a  
15 value of not less than \$50,000—

16 “(II) in the case of an employer  
17 that is a publicly held corporation, as  
18 determined using its most recent re-  
19 port filed with the Securities and Ex-  
20 change Commission; or

21 “(I) in the case of any other em-  
22 ployer, as determined as of the date  
23 on which the petition is filed under  
24 regulations promulgated by the Sec-  
25 retary of Homeland Security; or

1 “(iii) provides appropriate documenta-  
2 tion of business activity under regulations  
3 promulgated by the Secretary of Homeland  
4 Security.”.

5 (4) SUBPOENA AUTHORITY.—

6 (A) H-1B APPLICATION.—Section  
7 212(n)(2) of the Immigration and Nationality  
8 Act (8 U.S.C. 1182(n)(2)) is amended by add-  
9 ing at the end the following:

10 “(J) The Secretary of Labor is authorized to  
11 issue subpoenas as may be necessary to assure em-  
12 ployer compliance with the terms and conditions of  
13 this subsection.”.

14 (B) ATTESTATION WITH RESPECT TO  
15 OTHER NONIMMIGRANT EMPLOYEES.—Section  
16 212(t)(3) of such Act (8 U.S.C. 1182(t)(3)) is  
17 amended by adding at the end the following:

18 “(G) The Secretary of Labor is authorized to  
19 issue subpoenas as may be necessary to assure em-  
20 ployer compliance with the terms and conditions of  
21 this subsection.”.

22 (d) B VISAS IN LIEU OF H-1B VISAS.—Section  
23 214(g) of the Immigration and Nationality Act (8 U.S.C.  
24 1184(g)) is amended by adding at the end the following:



1       “(12) Notwithstanding any other provision of this  
2 Act, any alien admitted or provided status as a non-  
3 immigrant in order to provide services in a specialty occu-  
4 pation described in paragraph (1) or (3) of subsection (i)  
5 (other than services described in subparagraph (H)(ii)(a),  
6 (O), or (P) of section 101(a)(15)) or as a fashion model  
7 shall have been issued a visa (or otherwise been provided  
8 nonimmigrant status) under subclause (b) or (b1) of sec-  
9 tion 101(a)(15)(H)(i) or section 101(a)(15)(E)(iii).”.

10       (e) EFFECTIVE DATES.—

11           (1) The amendments made by subsection (a)  
12 shall take effect on the date of the enactment of this  
13 Act and shall apply to aliens issued visas or other-  
14 wise provided with nonimmigrant status under sec-  
15 tion 101(a)(15)(H)(i)(b) of the Immigration and  
16 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) be-  
17 ginning in fiscal year 2014.

18           (2) The amendments made by subsection (b)  
19 shall take effect on the date of the enactment of this  
20 Act and shall apply to the spouses of aliens issued  
21 visas or otherwise provided with nonimmigrant sta-  
22 tus under subparagraph (H)(i)(b), (H)(i)(b1), or  
23 (E)(iii) of section 101(a)(15) of the Immigration  
24 and Nationality Act before, on, or after such date.

1           (3) The amendments made by paragraphs (1)  
2           and (3) of subsection (c) shall take effect on the  
3           date of the enactment of this Act and shall apply to  
4           petitions filed under section 214(c) of the Immigra-  
5           tion and Nationality Act (8 U.S.C. 1184(c)) on or  
6           after such date and to visa applications filed on or  
7           after such date where no petition was filed because  
8           none was required under subparagraph (H)(i)(b1) or  
9           (E)(iii) of section 101(a)(15) of the Immigration  
10          and Nationality Act (8 U.S.C. 1101(a)(15)).

11          (4) The amendments made by paragraphs (2)  
12          and (4) of subsection (c) shall take effect on the  
13          date of the enactment of this Act and shall apply to  
14          employers of aliens issued visas or otherwise pro-  
15          vided with nonimmigrant status under subparagraph  
16          (H)(i)(b), (H)(i)(b1), or (E)(iii) section 101(a)(15)  
17          of the Immigration and Nationality Act (8 U.S.C.  
18          1101(a)(15)) before, on, or after such date.

19          (5) The amendment made by subsection (d)  
20          shall take effect on the date of the enactment of this  
21          Act and shall apply to aliens admitted or provided  
22          status as nonimmigrants on or after such date.

1   **SEC. 202. L VISAS.**

2           (a) IN GENERAL.—Section 214(c)(2) of the Immigra-  
3   tion and Nationality Act (8 U.S.C. 1184(c)(2)) is amend-  
4   ed by adding at the end the following:

5                   “(G)(i) An employer of an alien who will  
6           serve in a capacity for the employer involving  
7           specialized knowledge under section  
8           101(a)(15)(L) for a cumulative period of time  
9           in excess of 6 months over a 3 year period—

10                   “(I) will offer to the alien during the  
11           period of authorized employment wages  
12           that are at least—

13                   “(aa) the actual wage level paid  
14           by the employer to all other individ-  
15           uals with similar experience and quali-  
16           fications for the specific employment  
17           in question; or

18                   “(bb) the prevailing wage level  
19           for the occupational classification in  
20           the area of employment, whichever is  
21           greater, based on the best information  
22           available; and

23           “(II) will provide working conditions for such alien  
24   that will not adversely affect the working conditions of  
25   workers similarly employed.

1           “(ii) In complying with the requirements of  
2           clause (i), an employer may take into account  
3           the value of wages paid by the employer to the  
4           alien in the currency of the alien’s home coun-  
5           try, the value of benefits paid by the employer  
6           to the alien in the alien’s home country, em-  
7           ployer-provided housing or housing allowances,  
8           employer-provided vehicles or transportation al-  
9           lowances, and other benefits provided to the  
10          alien as an incident of the assignment in the  
11          United States.

12           “(iii) The Secretary of Labor shall have  
13          the same investigatory and enforcement powers  
14          to ensure compliance with this subparagraph as  
15          are set forth in section 212(n)(2).”.

16          (b) EFFECTIVE DATE.—The amendment made by  
17          subsection (a) shall take effect on the date of the enact-  
18          ment of this Act and shall apply to employers with respect  
19          to aliens issued visas or otherwise provided nonimmigrant  
20          status under section 101(a)(15)(L) of the Immigration  
21          and Nationality Act (8 U.S.C. 1101(a)(15)(L)) on or after  
22          such date.

1   **SEC. 203. O VISAS.**

2           (a) PORTABILITY OF O VISAS.—The first sentence of  
3   section 214(n)(1) of the Immigration and Nationality Act  
4   (8 U.S.C. 1184(n)(1)) is amended—

5           (1) by striking “section 101(a)(15)(H)(i)(b)”  
6           and inserting “subparagraphs (H)(i)(b) and (O)(i)  
7           of section 101(a)(15)”; and

8           (2) by inserting “under such sections” after  
9           “new employment”.

10          (b) 3 YEAR WAIVER OF NEW O-1 CONSULTATIONS  
11   FOR ARTS AND MOTION PICTURES AND TELEVISION AND  
12   TRANSPARENCY FOR O-1 VISAS FOR MOTION PICTURES  
13   AND TELEVISION.—

14           (1) IN GENERAL.—Section 214(c)(3) of the Im-  
15   migration and Nationality Act (8 U.S.C. 1184(c)(3))  
16   is amended—

17           (A) by striking “Attorney General” each  
18           place such term appears and inserting “Sec-  
19           retary of Homeland Security”; and

20           (B) by striking the first two sentences of  
21           the matter that follows subparagraph (B) and  
22           inserting the following: “In the case of an alien  
23           seeking entry for a motion picture or television  
24           production, (i) any opinion under the previous  
25           sentence shall only be advisory, (ii) any such  
26           opinion that recommends denial must be in

1 writing, (iii) in making the decision the Sec-  
2 retary of Homeland Security shall consider the  
3 exigencies and scheduling of the production, (iv)  
4 the Secretary of Homeland Security shall ap-  
5 pend to the decision any such opinion, and (v)  
6 upon making the decision, the Secretary of  
7 Homeland Security shall immediately provide a  
8 copy of the decision to the consulting labor and  
9 management organizations. The Secretary of  
10 Homeland Security shall provide by regulation  
11 for the waiver of the consultation requirement  
12 under subparagraph (A) in the case of aliens  
13 who have been admitted as nonimmigrants  
14 under section 101(a)(15)(O)(i) because of ex-  
15 traordinary ability in the arts or extraordinary  
16 achievement in motion picture or television pro-  
17 duction and who seek readmission to perform  
18 similar services within 3 years after the date of  
19 a consultation under such subparagraph pro-  
20 vided that, in the case of aliens admitted be-  
21 cause of extraordinary achievement in motion  
22 picture or television production, such waiver  
23 shall apply only if the prior consultations by the  
24 appropriate union and management organiza-

1           tion were favorable or raised no objection to the  
2           approval of the petition.”.

3           (2) EFFECTIVE DATE.—The amendment made  
4           by paragraph (1) shall take effect on the date of the  
5           enactment of this Act and shall apply to petitions  
6           filed under section 214(c) of the Immigration and  
7           Nationality Act (8 U.S.C. 1184(c)) on or after such  
8           date and to consultation decisions made before, on,  
9           or after such date.

10 **SEC. 204. MEXICAN AND CANADIAN PROFESSIONALS.**

11           Section 214(e) of the Immigration and Nationality  
12           Act (8 U.S.C. 1184(e)) is amended by adding at the end  
13           the following:

14                   “(7)(A) An employer of a Mexican or Canadian  
15           professional under this subsection—

16                   “(i) will offer to the alien during the period of  
17           authorized employment wages that are at least—

18                           “(I) the actual wage level paid by the em-  
19           ployer to all other individuals with similar expe-  
20           rience and qualifications for the specific em-  
21           ployment in question; or

22                           “(II) the prevailing wage level for the occu-  
23           pational classification in the area of employ-  
24           ment, whichever is greater, based on the best  
25           information available; and

1           “(ii) will provide working conditions for such  
2           alien that will not adversely affect the working con-  
3           ditions of workers similarly employed.

4           “(B) The Secretary of Labor shall have the  
5           same investigatory and enforcement powers to en-  
6           sure compliance with this paragraph as are set forth  
7           in section 212(n)(2).”.

8   **SEC. 205. STUDENTS.**

9           (a) DUAL INTENT.—

10           (1) IN GENERAL.—Section 101(a)(15)(F) of the  
11           Immigration and Nationality Act (8 U.S.C.  
12           1101(a)(15)(F)) is amended to read as follows:

13           “(F) an alien—

14           “(i) who—

15                   “(I) is a bona fide student qualified to  
16                   pursue a full course of study in a field of  
17                   science, technology, engineering, or mathe-  
18                   matics (as defined in section  
19                   203(b)(6)(B)(ii)) leading to a bachelors or  
20                   graduate degree and who seeks to enter  
21                   the United States for the purpose of pur-  
22                   suing such a course of study consistent  
23                   with section 214(m) at an institution of  
24                   higher education (as described in section  
25                   101(a) of the Higher Education Act of



1           1965 (20 U.S.C. 1001(a))) or a propri-  
2           etary institution of higher education (as  
3           defined in section 102(b) of such Act (20  
4           U.S.C. 1002(b))) in the United States,  
5           particularly designated by the alien and  
6           approved by the Secretary of Homeland  
7           Security, after consultation with the Sec-  
8           retary of Education, which institution shall  
9           have agreed to report to the Secretary of  
10          Homeland Security the determination of  
11          attendance of each nonimmigrant student,  
12          and if any such institution fails to make  
13          reports promptly the approval shall be  
14          withdrawn; or

15               “(II) is engaged in temporary employ-  
16               ment for optional practical training related  
17               to such alien’s area of study following com-  
18               pletion of the course of study described in  
19               subclause (I);

20               “(ii) who has a residence in a foreign coun-  
21               try which the alien has no intention of aban-  
22               doning, who is a bona fide student qualified to  
23               pursue a full course of study, and who seeks to  
24               enter the United States temporarily and solely  
25               for the purpose of pursuing such a course of

1 study consistent with section 214(m) at an es-  
2 tablished college, university, seminary, conserv-  
3 atory, academic high school, elementary school,  
4 or other academic institution or in a language  
5 training program in the United States, particu-  
6 larly designated by the alien and approved by  
7 the Secretary of Homeland Security, after con-  
8 sultation with the Secretary of Education,  
9 which institution of learning or place of study  
10 shall have agreed to report to the Secretary of  
11 Homeland Security the determination of attend-  
12 ance of each nonimmigrant student, and if any  
13 such institution of learning or place of study  
14 fails to make reports promptly the approval  
15 shall be withdrawn;

16 “(iii) who is the spouse or minor child of  
17 an alien described in clause (i) or (ii) if accom-  
18 panying or following to join such an alien; or

19 “(iv) who is a national of Canada or Mex-  
20 ico, who maintains actual residence and place of  
21 abode in the country of nationality, who is de-  
22 scribed in clause (i) or (ii) except that the  
23 alien’s qualifications for and actual course of  
24 study may be full or part-time, and who com-

1           mutes to the United States institution or place  
2           of study from Canada or Mexico.”.

3           (2) ADMISSION.—Section 214(b) of the Immi-  
4           gration and Nationality Act (8 U.S.C. 1184(b)), as  
5           amended by section 108(d)(1) of this Act, is further  
6           amended by striking “(L) or (V)” inserting “(F)(i),  
7           (L), or (V)”.

8           (3) CONFORMING AMENDMENT.—Section  
9           214(m)(1) of the Immigration and Nationality Act  
10          (8 U.S.C. 1184(m)(1)) is amended, in the matter  
11          preceding subparagraph (A), by striking “(i) or  
12          (iii)” and inserting “(i), (ii), or (iv)”.

13          (b) OPTIONAL PRACTICAL TRAINING FOR FOREIGN  
14          STUDENTS.—Section 214 of the Immigration and Nation-  
15          ality Act (8 U.S.C. 1184) is amended by adding at the  
16          end the following:

17          “(s)(1) An employer providing optional practical  
18          training to an alien who has been issued a visa or other-  
19          wise provided nonimmigrant status under subparagraph  
20          (F) or (M) of section 101(a)(15) after completion of the  
21          alien’s course of study—

22                 “(A) shall offer to the alien during the period  
23          of optional practical training wages that are at  
24          least—

1           “(i) the actual wage level paid by the em-  
2           ployer to all other individuals with similar expe-  
3           rience and qualifications for the specific em-  
4           ployment in question; or

5           “(ii) the prevailing wage level for the occu-  
6           pational classification in the area of employ-  
7           ment, whichever is greater, based on the best  
8           information available; and

9           “(B) shall provide working conditions for such  
10          alien that will not adversely affect the working con-  
11          ditions of workers similarly employed.

12          “(2) The Secretary of Labor has the same investiga-  
13          tory and enforcement powers to ensure compliance with  
14          paragraph (1) as are set forth in section 212(n)(2).”.

15          (c) EFFECTIVE DATES.—

16               (1) The amendments made by subsection (a)  
17               shall take effect on the date of the enactment of this  
18               Act, and shall apply to nonimmigrants who possess  
19               or are granted status under section 101(a)(15)(F) of  
20               the Immigration and Nationality Act (8 U.S.C.  
21               1101(a))(15)(F)) on or after such date.

22               (2) The amendment made by subsection (b)  
23               shall apply to employers with respect to aliens who  
24               begin post-course of study optional practical training

1 with them on or after the date of the enactment of  
2 this Act.

3 **SEC. 206. EXTENSION OF EMPLOYMENT ELIGIBILITY WHILE**  
4 **VISA EXTENSION PETITION PENDING.**

5 (a) IN GENERAL.—Section 214 of the Immigration  
6 and Nationality Act (8 U.S.C. 1184, as amended by sec-  
7 tion 205(b), is further amended by adding at the end the  
8 following:

9 “(t) A nonimmigrant issued a visa or otherwise pro-  
10 vided nonimmigrant status under subparagraph (A), (E),  
11 (G), (H), (I), (J), (L), (O), (P), (Q), or (R) of section  
12 101(a)(15), or section 214(e), and otherwise as the Sec-  
13 retary of Homeland Security may by regulations prescribe,  
14 whose status has expired but who has, or whose spon-  
15 soring employer or authorized agent has, filed a timely ap-  
16 plication or petition for an extension of authorized status  
17 as provided under this section, is authorized to continue  
18 employment with the same employer for a period not to  
19 exceed 240 days beginning on the date of the expiration  
20 of the authorized period of stay until and unless the appli-  
21 cation or petition is denied. Such authorization shall be  
22 subject to the same conditions and limitations noted on  
23 the original authorization.”.

24 (b) EFFECTIVE DATE.—The amendment made by  
25 subsection (a) shall take effect on the date of the enact-

1 ment of this Act and shall apply to aliens issued visas or  
2 otherwise provided nonimmigrant status before, on, or  
3 after such date.

4 **SEC. 207. FRAUD DETECTION AND PREVENTION FEE.**

5 Section 214(c)(12)(A) of the Immigration and Na-  
6 tionality Act (8 U.S.C. 1184(c)(12)(A)) is amended by  
7 adding at the end the following:  
8 “The Secretary of Homeland Security shall also impose  
9 the fee described in the preceding sentence on an employer  
10 filing an attestation under section 212(t)(1) or employing  
11 an alien pursuant to subsection (e).”.

12 **SEC. 208. TECHNICAL CORRECTION.**

13 The second subsection designated as subsection (t)  
14 of section 212 of the Immigration and Nationality Act (8  
15 U.S.C. 1182) (as added by section 1(b)(2)(B) of Public  
16 Law 108–449 (118 Stat. 3470)) is redesignated as sub-  
17 section (u) of such section.

1 **TITLE III—REFORMS AFFECTING**  
2 **BOTH IMMIGRANT AND NON-**  
3 **IMMIGRANT VISAS**  
4 **Subtitle A—STEM Education**  
5 **Funding**

6 **SEC. 301. FUNDING FOR STEM EDUCATION AND TRAINING.**

7 (a) NONIMMIGRANT FEE ADJUSTMENT AND ALLOCA-  
8 TION.—Section 214(c)(9) of the Immigration and Nation-  
9 ality Act (8 U.S.C. 1184(c)(9)) is amended—

10 (1) in subparagraph (A)—

11 (A) in the matter preceding clause (i)—

12 (i) by striking “(20 U.S.C. 1001(a),”  
13 and inserting “(20 U.S.C. 1001(a)),”; and  
14 (ii) by striking “filing before a peti-  
15 tion” and inserting “filing a petition”;

16 (2) by amending subparagraph (B) to read as  
17 follows:

18 “(B) The amount of the fee imposed under this para-  
19 graph shall be—

20 “(i) \$1,250 for each such petition filed by an  
21 employer with not more than 25 full-time equivalent  
22 employees who are employed in the United States  
23 (determined by including any affiliate or subsidiary  
24 of such employer); and

1           “(ii) \$2,500 for each such petition filed by an  
2           employer with more than 25 such employees.”;

3           (3) by amending subparagraph (C) to read as  
4           follows:

5           “(C) Fees collected under this paragraph shall  
6           be distributed as follows:

7                   “(i) Of the amounts collected pursuant to  
8                   subparagraph (B)(i)—

9                           “(I) \$750 shall be deposited in the  
10                          Treasury in accordance with section  
11                          286(s); and

12                           “(II) \$500 shall be deposited in the  
13                          Treasury in accordance with section  
14                          286(x).

15                   “(ii) Of the amounts collected pursuant to  
16                   subparagraph (B)(ii)—

17                           “(I) \$1,500 shall be deposited in the  
18                          Treasury in accordance with section  
19                          286(s); and

20                           “(II) \$1,000 shall be deposited in the  
21                          Treasury in accordance with section  
22                          286(x).”;

23           (4) by redesignating subparagraph (C) as sub-  
24           paragraph (D); and



1           (5) by inserting after subparagraph (B) the fol-  
2       lowing:

3           “(C) The Secretary of Homeland Security shall  
4       impose the fee described in this paragraph on an  
5       employer filing an attestation under section  
6       212(t)(1), and on an employer employing an alien  
7       pursuant to section 214(e), in the same manner as  
8       such fee is imposed on an employer described in sub-  
9       paragraph (A). In the case of employment pursuant  
10      to section 214(e), the Secretary of Homeland Secu-  
11      rity shall establish a method of imposing the fee de-  
12      scribed in the preceding sentence notwithstanding  
13      the absence of a petition or attestation.”.

14      (b) CONFORMING AMENDMENT.—Section 286(s)(1)  
15      of the Immigration and Nationality Act (8 U.S.C.  
16      1356(s)(1)) is amended by striking the last sentence and  
17      inserting “There shall be deposited as offsetting receipts  
18      into the account a portion of the fees collected under para-  
19      graphs (9) and (11) of section 214(c).”.

20      (c) IMMIGRANT FEE.—Section 203(b) of the Immi-  
21      gration and Nationality Act (8 U.S.C. 1153(b)) is amend-  
22      ed by adding at the end the following:

23           “(7) FUNDING FOR STEM EDUCATION AND  
24      TRAINING.—The Secretary of Homeland Security  
25      shall impose a fee of \$1,000 on each I–140 immi-

1 grant visa petition filed under this subsection.  
2 Amounts collected under this paragraph shall be de-  
3 posited into the Treasury in accordance with section  
4 286(x).”.

5 (d) EFFECTIVE DATE.—The amendments made by  
6 this section shall take effect on October 1, 2013, and shall  
7 apply to petitions filed under section 214(c)(1) of the Im-  
8 migration and Nationality Act (8 U.S.C. 1184(c)(1)), and  
9 attestations filed under section 212(t)(1) of such Act (8  
10 U.S.C. 1182(t)(1)), on or after such date.

11 **SEC. 302. PROMOTING AMERICAN INGENUITY ACCOUNT.**

12 Section 286 of the Immigration and Nationality Act  
13 (8 U.S.C. 1356), as amended by section 201(c)(1)(B) of  
14 this Act, is further amended by adding at the end the fol-  
15 lowing:

16 “(x) PROMOTING AMERICAN INGENUITY ACCOUNT.—

17 “(1) IN GENERAL.—There is established in the  
18 general fund of the Treasury a separate account,  
19 which shall be known as the ‘Promoting American  
20 Ingenuity Account’. There shall be deposited as off-  
21 setting receipts into the account fees collected under  
22 section 203(b)(7) and a portion of the fees collected  
23 under section 214(c)(9). Amounts deposited into the  
24 account shall remain available to the Secretary of  
25 Education until expended.

1           “(2) PURPOSES.—The purposes of the Pro-  
2           moting American Ingenuity Account are to enhance  
3           the economic competitiveness of the United States  
4           by—

5                   “(A) strengthening STEM education, in-  
6                   cluding in computer science, at all levels;

7                   “(B) ensuring that schools have access to  
8                   well-trained and effective STEM teachers; and

9                   “(C) helping colleges and universities  
10                  produce more graduates in fields needed by  
11                  American employers.

12           “(3) ALLOCATION OF FUNDS.—

13                   “(A) RESERVATION OF FUNDS.—

14                           “(i) IN GENERAL.—The Secretary of  
15                           Education may reserve up to 5 percent of  
16                           the amounts deposited into the Promoting  
17                           American Ingenuity Account to carry out  
18                           the activities described in clause (ii).

19                           “(ii) NATIONAL ACTIVITIES.—From  
20                           the amounts reserved under clause (i), the  
21                           Secretary of Education shall, directly or  
22                           through grants and contracts—

23                                   “(I) provide technical assistance  
24                                   to States and local educational agen-  
25                                   cies in carrying out activities de-

1 scribed in section 304 of the SKILLS  
2 Visa Act; and

3 “(II) acting through the Institute  
4 of Education Sciences, conduct na-  
5 tional evaluations of activities carried  
6 out by the State under such section  
7 304.

8 “(B) ALLOCATIONS TO STATES.—

9 “(i) IN GENERAL.—Subject to clause  
10 (ii), the Secretary of Education shall pro-  
11 portionately allocate the remaining  
12 amounts deposited into the account to the  
13 States each fiscal year in an amount that  
14 bears the same relationship to the remain-  
15 der as the amount the State received under  
16 subpart 2 of part A of title I of the Ele-  
17 mentary and Secondary Education Act of  
18 1965 (20 U.S.C. 6331 et seq.) for the pre-  
19 ceding fiscal year bears to the amount all  
20 States received under that subpart for the  
21 preceding fiscal year.

22 “(ii) MINIMUM ALLOCATIONS.—No  
23 State shall receive less than an amount  
24 equal to 0.5 percent of the total amount  
25 made available to all States from the Pro-

1 moting American Ingenuity Account. If a  
2 State does not request an allocation from  
3 the Account for a fiscal year, the Secretary  
4 shall reallocate the State's allocation to  
5 those States with approved applications  
6 under section 303 of the SKILLS Visa Act  
7 in accordance with clause (i).”.

8 **SEC. 303. STEM EDUCATION GRANT APPLICATION PROC-**  
9 **ESS.**

10 (a) APPLICATION.—Each Governor and Chief State  
11 School Officer desiring to receive an allocation from the  
12 Promoting American Ingenuity Account established under  
13 section 286(x) of the Immigration and Nationality Act (as  
14 added by section 302 of this Act) shall jointly submit a  
15 plan, including a proposed budget, signed by the Governor  
16 and Chief State School Officer, to the Secretary of Edu-  
17 cation at such time, and in such manner, as the Secretary  
18 may require, that—

19 (1) designates a State agency as the agency re-  
20 sponsible for carrying out programs funded by such  
21 allocation;

22 (2) describes the activities to be funded with  
23 such allocation and how such activities will improve  
24 STEM education in the State;

1           (3) describes how the State will partner with  
2           employers to design and carry out the activities  
3           funded by such allocation;

4           (4) describes how the State will collaborate with  
5           institutions of higher education (as defined in sec-  
6           tion 102 of the Higher Education Act of 1965 (20  
7           U.S.C. 1002), except that such term does not in-  
8           clude institutions described in subsection (a)(1)(C)  
9           of such section 102), local educational agencies,  
10          State and local workforce investment boards funded  
11          under the Workforce Investment Act of 1998 (29  
12          U.S.C. 2801 et seq.), and other State and local gov-  
13          ernment entities as appropriate to carry out the ac-  
14          tivities funded by such allocation; and

15          (5) describes how the State will coordinate ac-  
16          tivities funded by such allocation with activities  
17          funded under the Elementary and Secondary Edu-  
18          cation Act of 1965 (20 U.S.C. 6301 et seq.), the  
19          Higher Education Act of 1965 (20 U.S.C. 1001 et  
20          seq.), and the Workforce Investment Act of 1998  
21          (29 U.S.C. 2801 et seq.).

22          (b) PROHIBITION.—

23               (1) IN GENERAL.—The information described in  
24               subsection (a) shall be the only information required  
25               of States, and the Secretary of Education shall not

1       establish any additional criteria for State eligibility  
2       for such allocations.

3           (2) STANDARDS AND ASSESSMENTS.—The Sec-  
4       retary shall not condition State receipt of such allo-  
5       cations on any decision to adopt, or not to adopt,  
6       academic standards or assessments for the State’s  
7       elementary and secondary schools.

8           (c) DEEMED APPROVAL.—A plan submitted under  
9       subsection (a) shall be deemed to be approved by the Sec-  
10      retary of Education unless the Secretary makes a written  
11      determination, prior to the expiration of the 60-day period  
12      beginning on the date on which the Secretary received the  
13      plan, that the plan is not in compliance with this section.

14   **SEC. 304. AUTHORIZED ACTIVITIES.**

15       A State or other entity that receives funding from  
16      the Promoting American Ingenuity Account may use such  
17      funds for one or more of the following activities:

18           (1) To strengthen the State’s academic stand-  
19       ards in science, technology, engineering, and mathe-  
20       matics (STEM);

21           (2) To implement strategies for the recruit-  
22       ment, training, placement, and retention of teachers  
23       in STEM fields, including computer science;

1           (3) To carry out initiatives designed to assist  
2       students in succeeding and graduating from postsec-  
3       ondary STEM programs;

4           (4) To improve the availability and access to  
5       STEM-related worker training programs, including  
6       community college courses and programs; and

7           (5) For other activities to improve STEM edu-  
8       cation.

9   **SEC. 305. NATIONAL EVALUATIONS.**

10       (a) ANNUAL REPORT.—The Secretary of Education  
11   shall submit a report describing the results of each evalua-  
12   tion conducted under section 286(x)(3)(A)(ii)(II) of the  
13   Immigration and Nationality Act (as added by section 302  
14   of this Act) to—

15           (1) the President;

16           (2) the Committee on the Judiciary of the Sen-  
17   ate;

18           (3) the Committee on the Judiciary of the  
19   House of Representatives;

20           (4) the Committee on Health, Education,  
21   Labor, and Pensions of the Senate; and

22           (5) the Committee on Education and the Work-  
23   force of the House of Representatives.



1 (b) DISSEMINATION.—The Secretary of Education  
2 shall make the findings of such evaluations widely avail-  
3 able to educators, the business community, and the public.

4 **SEC. 306. RULE OF CONSTRUCTION.**

5 Nothing in this subtitle may be construed to permit  
6 the Secretary of Education or any other Federal official  
7 to approve the content or academic achievement stand-  
8 ards, academic assessments, or curriculum of a State.

9 **Subtitle B—Other Reforms**

10 **SEC. 311. PREVAILING WAGES.**

11 (a) IN GENERAL.—Section 212(p) of the Immigra-  
12 tion and Nationality Act (8 U.S.C. 1182(p)) is amended—

13 (1) in paragraph (1), by striking “subsections  
14 (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II)” and  
15 inserting “subsections (a)(5)(A), (n)(1)(A)(i)(II),  
16 and (t)(1)(A)(i)(II) of this section, and subsections  
17 (c)(2)(G), (e), and (s) of section 214,”;

18 (2) by redesignating paragraphs (2) through  
19 (4) as paragraphs (3) through (5), respectively;

20 (3) by inserting after paragraph (1) the fol-  
21 lowing:

22 “(2) In computing the prevailing wage level for  
23 an occupational classification in an area of employ-  
24 ment for purposes of subsections (a)(5)(A),  
25 (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) of this section,

1 and subsections (c)(2)(G), (e), and (s) of section  
2 214, in the case of an alien who begins work with  
3 their employer under such section within one year of  
4 graduation from an institution that is described in  
5 section 101(a) of the Higher Education Act of 1965  
6 (20 U.S.C. 1001(a)) or is a proprietary institution  
7 of higher education (as defined in section 102(b) of  
8 such Act (20 U.S.C. 1002(b))), the wage level shall  
9 be the wage level specified in subparagraph (A), (B),  
10 or (C) of paragraph (5) depending on the alien's ex-  
11 perience, education, and level of supervision. In com-  
12 puting the prevailing wage level for an occupational  
13 classification in an area of employment for purposes  
14 of subsections (a)(5)(A), (n)(1)(A)(i)(II), and  
15 (t)(1)(A)(i)(II) of this section, and subsections  
16 (c)(2)(G), (e), and (s) of section 214, in the case of  
17 an alien who does not begin work with their em-  
18 ployer under such section within one year of gradua-  
19 tion from an institution that is described in section  
20 101(a) of the Higher Education Act of 1965 (20  
21 U.S.C. 1001(a)) or is a proprietary institution of  
22 higher education (as defined in section 102(b) of  
23 such Act (20 U.S.C. 1002(b))), the wage level shall  
24 be the wage level specified in subparagraph (B) or

1 (C) of paragraph (5), depending on the alien's expe-  
2 rience, education, and level of supervision.”;

3 (4) in paragraph 4 (as redesignated), by strik-  
4 ing “subsections (a)(5)(A), (n)(1)(A)(i)(II), and  
5 (t)(1)(A)(i)(II)” and inserting “subsections  
6 (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) of  
7 this section, and subsections (c)(2)(G), (e), and (s)  
8 of section 214,”; and

9 (5) by amending paragraph (5) (as redesign-  
10 nated) to read as follows:

11 “(5) Subject to paragraph (2), the Secretary of Labor  
12 shall make available to employers a governmental survey  
13 to determine the prevailing wage for each occupational  
14 classification by metropolitan statistical area in the United  
15 States. Such survey, or other survey approved by the Sec-  
16 retary of Labor, shall provide 3 levels of wages commensu-  
17 rate with experience, education, and level of supervision.  
18 Such wage levels shall be determined as follows:

19 “(A) The first level shall be the mean of the  
20 lowest two-thirds of wages surveyed, but in no case  
21 less than 80 percent of the mean of the wages sur-  
22 veyed.

23 “(B) The second level shall be the mean of  
24 wages surveyed.

1           “(C) The third level shall be the mean of the  
2           highest two-thirds of wages surveyed.”.

3           (b) **EFFECTIVE DATE.**—The amendments made by  
4           subsection (a) shall take effect on the date of the enact-  
5           ment of this Act, and shall apply to employers with regard  
6           to labor certifications under sections 212(a)(5)(A) of the  
7           Immigration and Nationality Act (8 U.S.C.  
8           1182(a)(5)(A)), labor condition applications under section  
9           212(n)(1) of such Act (8 U.S.C. 1182(n)(1)), and attesta-  
10          tions under section 212(t)(1) of such Act (8 U.S.C.  
11          1182(t)(1)), filed on or after such date, to employers with  
12          regard to aliens issued visas or otherwise provided non-  
13          immigrant status under section 101(a)(15)(L) of such Act  
14          (8 U.S.C. 1101(a)(15)(L)) on or after such date, and to  
15          employers with regard to aliens they provide post-course  
16          of study optional practical training that begins on or after  
17          such date.

18   **SEC. 312. STREAMLINING PETITIONS FOR ESTABLISHED**  
19                   **EMPLOYERS.**

20           (a) **IN GENERAL.**—Section 214(c) of the Immigration  
21           and Nationality Act (8 U.S.C. 1184(c)) is amended by  
22           adding at the end the following:

23           “(15) The Secretary of Homeland Security shall es-  
24           tablish a pre-certification procedure for employers who file  
25           multiple petitions described in this subsection or section

1 204(a)(1)(F). Such precertification procedure shall enable  
2 an employer to avoid repeatedly submitting documentation  
3 that is common to multiple petitions and establish,  
4 through a single filing, criteria relating to the employer  
5 and the offered employment opportunity.”.

6 (b) EFFECTIVE DATE.—The amendment made by  
7 subsection (a) shall take effect on the date of the enact-  
8 ment of this Act, and shall apply to petitions filed under  
9 section 204(a)(1)(F) or 214(c) of the Immigration and  
10 Nationality Act (8 U.S.C. 1154(a)(1)(F) or 1184(c)) be-  
11 ginning 180 days after such date.